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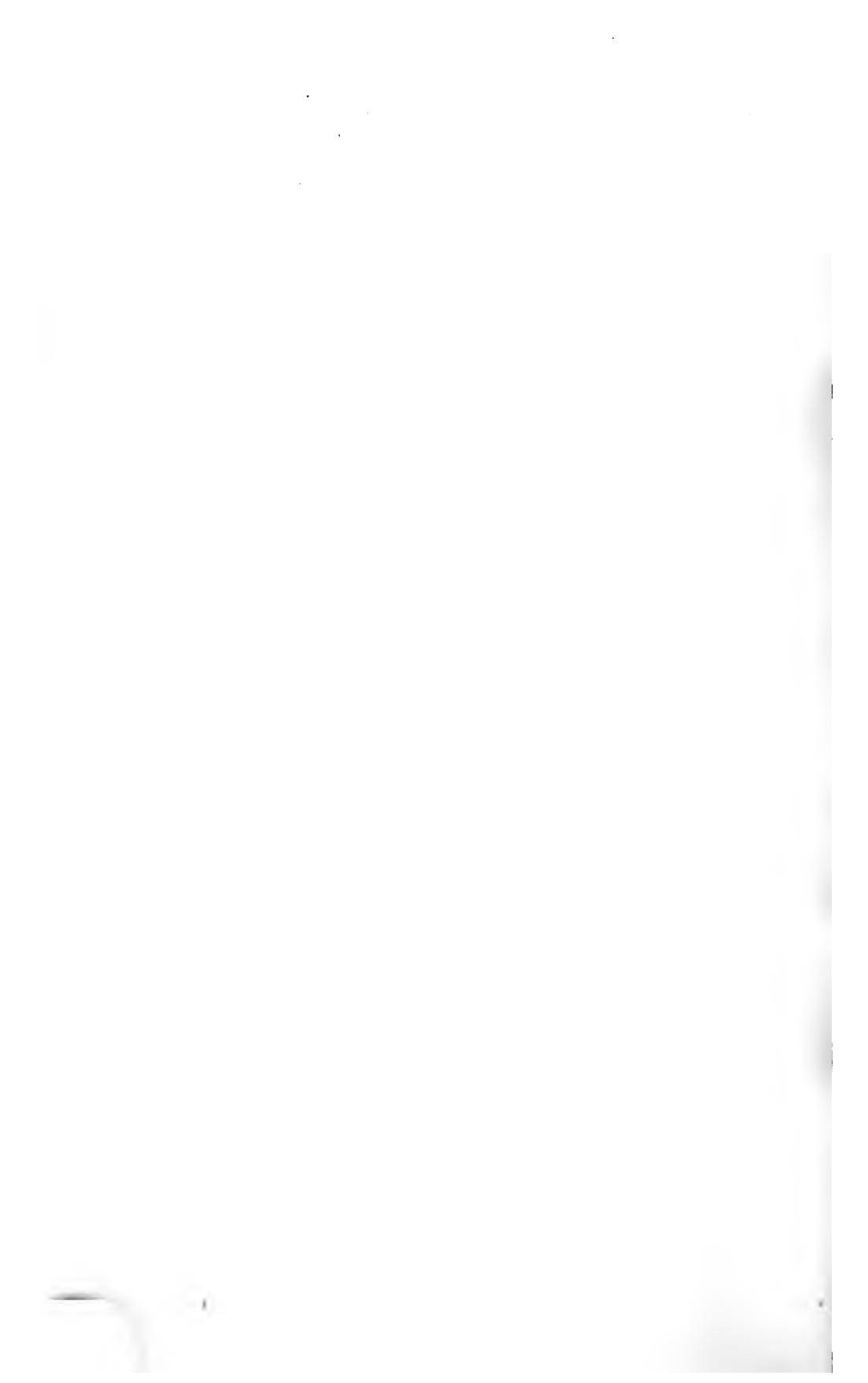
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A C T S

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

P A S S E D A T

D E C E M B E R S E S S I O N , 1 8 4 3 .

P U B L I S H E D B Y A U T H O R I T Y .

FRANKFORT, KY.
A. G. HODGES...STATE PRINTER.
1844.

L11559

APR 27 1936

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LAWS OF KENTUCKY.

Passed at December Session, 1843.

ROBERT P. LETCHER, GOVERNOR; MANLIUS V. THOMSON, LIEUT. GOVERNOR AND SPEAKER OF THE SENATE; JOHN L. HELM, SPEAKER OF THE HOUSE OF REPRESENTATIVES; JAMES HARLAN, SECRETARY OF STATE.

GENERAL LAWS.

CHAPTER 3.

AN ACT to allow an additional Justice of the Peace to Hopkins and Ballard counties, and for other purposes.

1844

WHEREAS, it is represented that the people of Hopkins county, in the neighborhood of Rose Creek Meeting House, suffer great inconvenience for the want of a Justice of the Peace in that neighborhood—for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Hopkins shall be entitled to an additional Justice of the Peace, and the County Court of said county shall, as speedily as possible, nominate two fit and qualified persons to the Governor, for the office of Justice of the Peace, and the Governor shall commission an additional Justice of the Peace in said county.

Sec. 2. *Be it further enacted,* That the county of Ballard shall be allowed another Justice of the Peace and Constable, in addition to the number now allowed said county by law.

JOHN L. HELM,
Speaker of the House of Representatives.
MANLIUS V. THOMSON,
Speaker of the Senate.

Approved, January 11th, 1844.

R. P. LETCHER.

By the Governor,

JAMES HARLAN,
Secretary of State.

CHAPTER 5.

AN ACT allowing the County Court of Monroe to appropriate certain funds in the hands of the county Treasurer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Monroe county be, and it is hereby authorized to appropriate so much of the funds in the hands of the Treasurer of said county, as may be necessary to complete their Court House.

Approved, January 12, 1844.

LAWS OF KENTUCKY.

1844

CHAPTER 11.

AN ACT to legalize the proceedings of the Ohio County Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the County Court of Ohio county, at their September term, in the year 1843, be, and the same are hereby declared legal, and such proceedings shall be as effectual and binding as if no Circuit Court for said county had been held in the month of September.

SEC. 2. That the County Court of Ohio county shall hereafter be held on the fourth Mondays in each month, except those months in which a Circuit Court is provided to be held, instead of the first Monday in each month, as now provided by law.

Approved, January 12, 1844.

CHAPTER 14.

AN ACT to establish a special Chancery term in McCracken and Livingston counties.

McCracken.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be a special Chancery term of the McCracken Circuit Court, for the preparation and trial of chancery causes, to commence on the first Monday in July in each year, and continue six juridical days, if necessary; and chancery causes may be brought to, and process shall be returnable to said term, in all cases as heretofore, to the several terms of the Circuit Courts, and it shall be the duty of the Judge of the 16th Judicial District to hold the said chancery term.

Livingston.

SEC. 2. That it shall be the duty of the Judge of the 16th Judicial District to hold a special chancery term, for the preparation and trial of chancery causes, in Livingston county, to commence on the second Monday in July, in each year, and continue six days, if necessary; and chancery causes may be brought to, and all process to [said term shall be made returnable as now by law, to the several terms of the Circuit Court.

Approved, January 12, 1844.

CHAPTER 15.

AN ACT to allow an additional Constable in the county of Boyle, and for other purposes.

Boyle.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Boyle be, and is hereby allowed one additional Constable, who shall reside on the stream of the Rolling Fork.

SEC. 2. *Be it further enacted,* That the Constable's district, including the town of Williamstown, in Grant county,

be so enlarged so as to run from said town down the Cincinnati road to the road leading to William Conrod's; thence down said road to John Thomas'; thence on a straight line so as to include Charles Graves on Clark's creek; thence up said creek to intersect the Georgetown road at Thomas Clark's; thence down Fork Lick Branch, so as to include Vance's tavern; thence on a straight line to Joel B. Hume's; thence up Stone Lick Branch to the Cincinnati road.

1844

Constable's
district in
Grant chang-
ed.

Approved, January 12, 1844.

CHAPTER 18.

AN ACT to allow an additional Constable to Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be allowed to Hickman county one additional Constable, who shall reside north of Big Obion, and east of the road leading from Clinton to Milburnville, in Ballard county.

Approved, January 12, 1844.

CHAPTER 20.

AN ACT to suspend all laws authorizing the appointment of Commissioners of Tax.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all laws authorizing the appointment of Assessors of property, and all appointments of Assessors made, or which may be made by the County Courts, be, and the same are hereby suspended, until the fourteenth day of February next; and Assessors that may be appointed shall delay until that day to perform their duty.

SEC. 2. *Be it further enacted,* That a copy of this act be forwarded, forthwith, to the County Court Clerks of the different counties.

Approved, January 12, 1844.

CHAPTER 26.

AN ACT concerning the vacant lands in the county of Johnson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, all moneys arising from the appropriation of the vacant lands, lying within the county of Johnson, shall be applied to the erection of the public buildings in said county, and the Treasurer in said county is hereby directed to pay over to the County Court, or to their agent, duly authorized by an order of said Court to receive the same, all moneys that may come to his hands, arising from the appropriation of the vacant lands in said county.

Approved, January 12, 1844.

LAWS OF KENTUCKY.

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CHAPTER 31.

AN ACT to establish the town of Murry as the Seat of Justice of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Calloway county shall provide a suitable house, in the town of Murry, in said county, to hold the Circuit Court in, until the Court House shall be completed; and it shall be the duty of the Judge of the Calloway Circuit Court to hold said Court in the town of Murry, in such house provided by the County Court; and it shall be the duty of the Clerk of the Circuit Court to remove the books, papers, and records of said Court, to the town of Murry, into the office now erected for that purpose; and the town of Murry is hereby made and declared the county seat of Calloway county.

Approved, January 17, 1844.

CHAPTER 32.

AN ACT to amend the law regulating appeals from the judgments of Justices of the Peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in all cases of motions, or suits against Constables or their securities, where the amount is over twenty five shillings and under five pounds, either party shall have the right of appeal to the County Court, as in other cases of like amount.

Approved, January 17, 1844.

CHAPTER 36.

AN ACT continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21st, 1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions now in force, of an act, entitled, "an act to provide for the appointment of Commonwealth's Attorneys," approved January 21st, 1842, shall continue and remain in force for two years, from and after the end of the present session of the General Assembly.

Approved, January 17, 1844.

CHAPTER 40.

AN ACT allowing the county of Livingston an additional Justice of the Peace, and for other purposes.

WHEREAS, it is represented that a portion of the citizens of Livingston county, to-wit: in the neighborhood of Thomas B. Robertson, lying east of the town of Smithland, labor un-

der considerable inconvenience for want of a Justice of the Peace in said neighborhood—therefore,

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said county of Livingston be allowed an additional Justice of the Peace, and that the County Court of said county do recommend to the Governor of this Commonwealth two fit persons, one of whom to fill said office.

1844

Livingston.

SEC. 2. Be it further enacted, That there be allowed to the county of Rockcastle, an additional Justice of the Peace, who, at the time of his nomination by the County Court, shall reside in the Scuffle Cane neighborhood; and that there be allowed to said county an additional Constable.

Rockcastle.

Approved, January 17, 1844.

CHAPTER 42.

AN ACT to allow the county of Larue one additional Justice of the Peace and one additional Constable, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Larue be allowed one additional Justice of the Peace and one additional Constable.

SEC. 2. Be it further enacted, That the act establishing the Johnson precinct, in Larue county, be, and the same is hereby repealed.

Approved, January 17, 1844.

CHAPTER 44.

AN ACT allowing an additional Constable to the county of Bath, and for other purposes.

WHEREAS, it is represented, that according to the present law, the county of Bath is only entitled to one Constable in the town district, and that injustice and delay is the consequence—for remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That one additional Constable be allowed to said county, to reside in the town of Owingsville.

Constable to Bath.

SEC. 2. That the County Court of Ohio be, and it is hereby authorized to recommend a suitable person, living in the neighborhood of John Pattie, to act as a Justice of the Peace for said county.

Justice of the Peace to Ohio.

Approved, January 17, 1844.

1844

CHAPTER 47.

AN ACT for the benefit of the Collectors of the Revenue Tax of the county of Union.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Collectors of the revenue tax of the county of Union shall be allowed until the first day of August, 1844, to pay into the public treasury the balance of the revenue tax due from said county: *Provided*, That Hiram McElroy, one of the securities of the said Collector, shall, on or before the first day of February next, in the office of the Second Auditor, enter his assent, in writing, to the indulgence hereby granted.

SEC. 2. *Be it further enacted,* That said Collectors be allowed until the first day of July, 1844, to return their delinquent list for said county.

Approved, January 17, 1844.

CHAPTER 48.

AN ACT to allow an additional Justice of the Peace to the county of Casey, and one to the county of Muhlenburg.

WHEREAS, it is represented to this General Assembly, that a Justice of the Peace is much needed on the Big South Rolling Fork, in the county of Casey: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That one additional Justice of the Peace be, and is hereby allowed to the county of Casey.

SEC. 2. *Be it further enacted,* That one additional Justice of the Peace be allowed to the county of Muhlenburg, who may be located in the lower section of said county.

Approved, January 17, 1844.

CHAPTER 49.

AN ACT to repeal the act of last session, requiring tax on registering plats and certificates for vacant lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the second section of the act, approved March 10th, 1843, entitled, "an act to reduce the salaries of certain officers of this Commonwealth," be repealed, as requires the payment of fees upon the registering of plats and certificates for the appropriation of land.

Approved, January 20, 1844.

CHAPTER 57.

AN ACT to amend the duelling laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in administering the oath prescribed in the several acts to suppress the practice of duelling, the oath shall be from the first day of January, 1844.

Approved, January 27, 1844.

1844

CHAPTER 59.

AN ACT to amend the Militia laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Court for the Assessment of fines shall be held hereafter on the first Monday in November in each year, instead of the third Thursday in October, as provided in the act of February 9, 1837.

Approved, January 27, 1844.

CHAPTER 60.

AN ACT to repeal the charter to the Crab Orchard and Cumberland Gap Turnpike Road.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every part and parcel of the act, entitled, "an act to incorporate the Crab Orchard and Cumberland Gap Turnpike Road Company," be, and the same is hereby repealed.

Sec. 2 Be it further enacted, That all the acts and parts of acts in force at the time of the passage of the act repealed in the first section of this act, having any reference to said road and its management by the several County Courts of the counties through which it passes, be, and the same are hereby re-enacted, and the prudential concerns of the same, with its officers and agents, are placed upon the same footing as they were at the time of the passage of the act aforesaid.

Approved, January 27, 1844.

CHAPTER 62.

AN ACT to authorize the appointment of an additional Constable to the county of Mercer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Mercer county be, and are hereby authorized to appoint an additional Constable in said county, who shall reside in the neighborhood of John Leonard.

Approved, January 27, 1844.

1844

CHAPTER 63.

AN ACT to extend the law, approved January 12, 1843, authorizing the Surveyors of Campbell and Pendleton to run and re-mark the lines between said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Surveyors of the counties of Campbell and Pendleton, be allowed the further time of nine months, from and after the passage of this act, to run and re-mark the line between said counties; and should any disagreement in running said line take place between said Surveyors, in that case they shall submit the same to the County Surveyor of Kenton, whose decision shall be final; and after the said survey is completed, they shall report the same to their respective County Courts, together with a bill of the fees and wages of the Surveyors, Chainmen, Marker, &c., and the said County Courts shall respectively provide, in their next county levy, for the payment of one half of said bill, all laws to the contrary notwithstanding.

Approved, January 27, 1844.

CHAPTER 67.

AN ACT allowing an additional Constable to Lincoln county, and for other purposes.

WHEREAS, it is represented to the General Assembly, that the citizens residing in that part of Lincoln county, known by the Waynesburg precinct, labor under great inconvenience for the want of a Constable—for remedy whereof,

Lincoln. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Constable be allowed to the county of Lincoln.

Livingston. Sec. 2. That an additional Constable be allowed the county of Livingston, to reside in the neighborhood of S. B. Robinson.

Harlan. Sec. 3. That an additional Justice of the Peace be allowed to the county of Harlan; and the County Court, in making the nomination of said Justice, are required to pay due regard to the necessities of those persons who live in the neighborhood of Browney's creek, in said county.

Hardin. Sec. 4. That there be an additional Constable allowed to the county of Hardin, to reside in the neighborhood of Howell's Springs.

Approved, January 27, 1844.

CHAPTER 72.

AN ACT to provide for the appointment of Commissioners to select Petit Jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where any Circuit Judge in this Common-

wealth has heretofore failed, or may hereafter fail, during the term of any Circuit Court, to appoint Commissioners to select petit jurors, such Judge shall have the power to make such selection in vacation; and should any Circuit Judge fail to appoint said Commissioners in any county in this State, at least twenty days before the time of holding any Circuit Court in any county, it shall, in that event, be the duty of the Sheriff of said county to proceed to select said jurors, and that he shall return the list of such jurors to the Clerk of the court before the first day of the term.

1844

Approved, January 27, 1844.

CHAPTER 85.

AN ACT to add a part of Adair county, to Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Adair county, commencing at the head of Burnett's creek; thence north west to Matthew Wetherington's; thence north west to Thomas Bland's and Thomas Christeson's; thence north west to the Green county line; all of which shall be, and is hereby added to the county of Casey.

Approved, January 29, 1844.

CHAPTER 88.

AN ACT to amend an act concerning the boundary line of Letcher county, approved January 27, 1843.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the county of Letcher shall be known by the following boundary, viz: beginning on the top of the Pine mountain, opposite the house of Samuel Cornett; and then with the top of the dividing ridge, between the Line fork and the North fork of the Kentucky river, to cross said North fork at the lower end of John Dixon's plantation; and thence a straight line to the mouth of Irishmond, on Carr's fork; and thence a straight line to the mouth of Ogden or Troublesome; thence a straight line to the head of Jones' fork, at the Floyd county line where the road crosses leading from Perry Court House to Prestonsburg; thence with the Floyd county line to the Pike county line; thence with the Pike county line to the Virginia State line; thence with the Virginia State line to the Sulpher Springs; and thence a straight line, crossing the Poor fork of the Cumberland river at the lower end of John Jenkins' old plantation; and thence a straight line to the beginning; the same being the boundary originally petitioned for, but by mistake not fully described in the act to which this is an amendment.

Approved, January 29, 1844.

1844

CHAPTER 92.

AN ACT to allow a Chancery and Criminal Term to the Grant Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby allowed to the county of Grant a term for the trial of criminal and chancery causes, to commence on the third Monday of August in each year, and may continue, at each term, six juridical days, if necessary; and it shall be the duty of the Judge of the fourth judicial district to hold regularly said term.

Approved, January 29, 1844.

CHAPTER 94.

AN ACT to allow a Special Term of the Bullitt Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the 13th judicial district shall hold a special term of the Bullitt Circuit Court, to commence on the first Monday in July next, for the trial of criminal, common law, and chancery cases; and said term shall continue eighteen juridical days, if the business require it.

Approved, January 29, 1844.

CHAPTER 100.

AN ACT giving further time to the several County Courts of this Commonwealth to procure the standard of Weights and Measures, as now prescribed by law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several County Courts of this Commonwealth, shall be allowed until the 20th day of February, 1845, to furnish, for the several counties, the standard of Weights and Measures, as is required by law.

Approved, January 29, 1844.

CHAPTER 102.

AN ACT to allow an additional Justice of the Peace in the county of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That one additional Justice of the Peace be, and is hereby allowed to the county of Kenton.

Approved, January 31, 1844.

CHAPTER 104.

1844.

AN ACT to appropriate the vacant lands, in Carter county, to the erection of the public buildings in said county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, all the vacant and unappropriated lands in the county of Carter shall be, and the same are hereby vested in the County Court of said county, and all the proceeds arising from the sales of the same, hereafter made, shall be applied by said court to the erection and completion of the public buildings in said county.

SEC. 2. That the said County Court shall have full power and authority to settle with the present and former Treasurers, and receive any money which may be due and owing from them, or either of them, on account of the sales of the vacant lands in said county; and the same, when so received by said court, shall be applied towards the debts now due and owing by said court, in the erection and completion of the public buildings in said county.

Approved, January 31, 1844.

CHAPTER 106.

AN ACT to establish the county line between the counties of Hopkins and Christian.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Daniel H. Harrison, of Christian county, and Ambrose Gordon, of Hopkins county, be, and they are hereby appointed Commissioners to survey and mark the boundary line between the counties of Christian and Hopkins, making the place of beginning where the two counties join in the line of Muhlenburg county, on Pond river.

SEC. 2. The Commissioners hereby appointed shall meet at the place of beginning specified in the first section of this act, on the third Monday in May next, or as soon thereafter as convenient, and appoint a competent person as Surveyor, and two suitable persons as Chain Carriers. The said Commissioners, Surveyor and Chain Carriers shall then make oath, before some Justice of the Peace, that they will truly, faithfully, and to the best of their skill and knowledge, in their respective capacities, run and mark the dividing line between the said counties of Christian and Hopkins, pursuant to the Statutes establishing the boundary of said counties; two certificates of which oath shall be made out by the Justice before whom the oath shall have been made, one of which shall be returned by him to the County Court of Christian, and the other to the County Court of Hopkins; which certificates shall be by said courts noted upon their order books, and filed in the archives of said counties.

LAWS OF KENTUCKY.

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Sec. 3. Said Commissioners, with their Surveyor and Chain Carriers, shall proceed to survey, mark, and well define, the division line between said counties of Christian and Hopkins, and shall make a report thereof to the County Court of said counties; in which report they shall clearly set forth the courses and distances, with the natural and artificial objects upon said line, and how the same are marked.

Sec. 4. The County Courts of Chistian and Hopkins shall each enter the proceedings and report of said Commissioners upon their respective order books, and thereafter, the division line of said counties shall be established as surveyed and marked by said Commissioners; who, together with the Surveyor, shall be each allowed two dollars per day, and the Chain Carriers each one dollar per day, during the time they may be engaged in running said line, to be paid by the counties aforesaid, in equal portions.

Sec. 5. In the event of either of said Commissioners failing or refusing to act, it shall be lawful for the County Court, where the failure takes place, to appoint a Commissioner to supply the place of the Commissioner so failing to act, who shall, in all things touching his acts and duty, be governed by the provisions of this act.

Approved, January 31, 1844.

CHAPTER 108.

AN ACT to allow an additional Constable to the county of Hardin, and for other purposes.

WHEREAS, it is represented that a Constable is needed in the county of Hardin—therefore,

Constable in
Hardin.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the number of Constables now allowed by law in the county of Hardin, the County Court is hereby authorized and required to appoint one Constable in said county, to reside in the vicinity of Howell's Springs.

Time of hold-
ing county c't
in Larue.

Sec. 2. *Be it further enacted,* That, hereafter, the County Court of Larue shall be holden on the second Monday of the months in which said courts are now held.

Approved, January 31, 1844.

CHAPTER 111.

AN ACT fixing the place for holding courts in Owsley county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Circuit and County Courts of Owsley county shall, hereafter, be held at the house now

occupied by Lassiter J. Robertson, until a house for the purpose shall be prepared by the County Court for said county.

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Sec. 2. *Be it further enacted*, That the county of Owsley shall be allowed two additional Justices of the Peace.

Sec. 3. *And be it further enacted*, That the county of Owsley be, and is hereby attached to the fifteenth Judicial District.

Approved, January 31, 1844.

CHAPTER 117.

AN ACT authorizing the County Courts of Shelby and Oldham to make their levy at their May courts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Courts of Shelby and Oldham, to lay their county levy at their May, instead of their October or November courts: *Provided*, That the penalties or fines for the non-attendance of the members of said courts, shall in no wise be changed, and that the enforcing or collecting of said fines shall be by the laws heretofore in force.

Sec. 2. That levies made by the County Courts of Shelby and Oldham, prior to this act, are hereby made lawful, and shall be enforced in the same manner as if said levies had been made in accordance with law.

Approved, February 2, 1844.

CHAPTER 118.

AN ACT to repeal a portion of the act establishing the county of Estill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the seventh section of an act, entitled, an act for erecting a new county out of the counties of Madison and Clarke, approved, January 27th, 1808, be, and the same is hereby repealed.

Approved, February 2, 1844.

CHAPTER 119.

AN ACT regulating the return of Peace Warrants in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, recognizances to keep the peace, and be of good behaviour, taken before Justices of the Peace of Jefferson county, shall be made returnable to the first day of the criminal term of the Jefferson Circuit Court; all acts conflicting with this act are hereby repealed.

Approved, February 2, 1844.

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CHAPTER 120.

AN ACT to authorize the appointment of an additional Magistrate in the county of Owen, and for other purposes.

WHEREAS, it is represented to this Legislature, by sundry citizens residing in the north east corner of Owen county, that they are at considerable distance from the nearest Magistrate, and much desire the appointment of one to reside in the neighborhood—therefore,

Owen. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be an additional Justice of the Peace appointed in and for the county of Owen.

Adair. Sec. 2. That there be allowed to the county of Adair an additional Justice of the Peace, and the County Court, in making the nomination, are required to pay due regard to the necessities of the people residing in the neighborhood of John Grimes, in said county.

Wayne. Sec. 3. That one additional Justice of the Peace be allowed to the county of Wayne: *Provided*, That the County Court, in the appointment, shall have due regard to the people on Carpenter's fork.

Justices in Simpson reduced. Sec. 4. That no other Justice of the Peace shall be appointed in the county of Simpson, until the number of Justices therein be reduced to ten.

Justices in Pendleton reduced. Sec. 5. That no other Justice of the Peace shall be appointed in the county of Pendleton, until the number of Justices therein shall be reduced to thirteen.

Constable's district in Adair changed. Sec. 6. That the Constable's district in Adair county, in which William D. Busby is Constable, be, and the same is hereby extended so as to embrace the late residence of Matthew Busby, deceased.

Approved, February 2, 1844.

CHAPTER 122.

AN ACT concerning the road over Muldrow's Hill.

WHEREAS, it is represented to the present General Assembly, by Knott and Douglass, Contractors for building a portion of the road over Muldrow's Hill, that manifest injustice has been done them in the settlement heretofore made for work done in execution of their contract—for remedy whereof,

Board of Internal Improvement to settle with the Contractors. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement be, and they are hereby authorized and directed, to receive such testimony, under oath, as said Contractors may produce to them, touching the quantity and quality of the rock excavation performed by them on said road, under their contract.

The said Board shall be authorized to interrogate the witnesses that may be brought before them, and to summon others, so that the facts of the case may be fully elicited, and if, upon

a full hearing and examination of the testimony, they shall be of opinion that there is a greater quantity of rock excavation than estimated by Mr. Eastin in July, 1837, they are directed, in accordance with the intent and meaning of the laws heretofore enacted on that subject, to draw their requisitions for such excess upon the Auditor of Public Accounts, who shall draw his warrant on the Treasurer for the amount, to be paid out of the funds provided for Internal Improvement purposes: *Provided*, That in making their calculations and estimates, the said Board shall make the usual and customary deductions for such portions of said rock excavation, if any, as was used by said Contractors in making their embankments, and covering the road.

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Approved, February 2, 1844.

CHAPTER 126.

AN ACT to authorize the County Court of Jefferson to lay their county levy at their October, November, or December term.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the County Court of Jefferson county shall have power and authority to lay their levy in the months of October, November, or December, in each year; and that the second section of the act, approved on the 30th day of November, 1824, entitled, an act to alter the time of holding the Jefferson County Court, be, and the same is hereby repealed.

Approved, February 6, 1844.

CHAPTER 127.

AN ACT allowing an additional Justice of the Peace to Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be an additional Justice of the Peace allowed to the county of Henry, and the County Court of said county, at their April term, a majority of all the members being present, shall proceed to appoint such Justice, who, when appointed, shall reside in the town of Port Royal, in said county.

Approved, February 6, 1844.

CHAPTER 137.

AN ACT giving the Judge of the City Court of Louisville, concurrent jurisdiction with the Circuit Judges in cases of Idiots and Lunatics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the City Court of Louisville

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be, and he is hereby vested with all the power and jurisdiction, in relation to Idiots and Lunatics, which is now vested, by law, in the Judges of the Circuit Courts of this Commonwealth: and that all and every proceeding which may be had before said Judge in relation to Idiots and Lunatics, shall be as binding as though the same had been acted upon by the Circuit Court.

Approved, February 9, 1844.

CHAPTER 138.

AN ACT to amend an act to add to the resources of the Sinking Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sixth section of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843, be and the same is hereby repealed.

Approved, February 9, 1844.

CHAPTER 139.

AN ACT to regulate the terms of the Circuit Courts in the 16th judicial district.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the Calloway Circuit Courts shall commence on the first Mondays in March and the third Mondays in August, in each year, and may continue six days, if necessary, at each term. The Marshall Circuit Courts shall commence on the second Mondays in March and the fourth Mondays in August, in each year, and may continue six days, if necessary, at each term. The McCracken Circuit Courts shall commence on the third Mondays in March and the first Mondays in September, in each year, and may continue, at each term, twelve days, if necessary. The Livingston Circuit Courts shall commence on the first Monday in April and the third Monday in September, in each year, and may continue, at each term, twelve days, if necessary. The Ballard Circuit Court shall commence on the third Monday in April and the second Monday in October, in each year, and may continue, at each term, six days, if necessary. The Hickman Circuit Courts shall commence the fourth Monday in April and the third Monday in October, in each year, and may continue at the spring term, eighteen days, and at the fall term, twelve days, if the business require. The Graves Circuit Court shall commence on the third Monday in May and the first Monday in November, in each year, and may continue, at each term, until the business is finished.

Sec. 2. All process, whether in criminal or civil cases, made returnable otherwise than to the terms of said Courts as regu-

lated in the first section of this act, shall stand returnable to said terms as regulated in this act, and shall stand for trial in the same manner as if the process had been returnable to said terms as herein regulated; and when there may be five Mondays in any month, in which a Court is to be holden, the term of the Court sitting on the fourth Monday of any such month, may, if necessary, continue and be held on the fifth Monday, and set out the days of that week.

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Approved, February 9, 1844.

CHAPTER 146.

AN ACT to regulate the terms of the Circuit Courts in the Seventh Judicial District.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the Circuit Courts of the several counties composing the seventh Judicial District shall be commenced and held as follows: The Caldwell Circuit Court shall commence on the fourth Monday in February, and the second Monday in August, and continue twelve juridical days at each term. The Trigg Circuit Court shall commence the second Monday in March, and the fourth Monday in August, and continue twelve juridical days at each term. The Christian Circuit Court shall commence the fourth Monday in March, and the second Monday in September, and continue eighteen juridical days at the March term, and twenty four juridical days at the September term. The Crittenden Circuit Court shall commence on the last Monday in April, and the second Monday in October, and continue six juridical days at each term. The Union Circuit Court shall commence on the first Monday in May, and the third Monday in October, and continue twelve juridical days at each term. The Hopkins Circuit Court shall commence the third Monday in May, and first Monday in November, and continue twelve juridical days at each term: *Provided*, The business in said Courts shall require that they be continued severally as aforesaid.

In Caldwell
county.

Trigg.

Christian.

Crittenden.

Union.

Hopkins.

SEC. 2. *Be it further enacted,* That all process of every kind whatsoever, that may be, or may have been issued and made returnable to the several terms of each of the said courts, as they were heretofore commenced, shall be valid to all intents and purposes, and shall be made returnable to, and set for trial at the terms of the several courts, as by this act they are made to commence.

Process re-
turnable.

Approved, February 9, 1844.

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CHAPTER 150.

AN ACT to authorize the County Court of Pendleton to change the location of the State roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Pendleton county, shall have the same right, power, and authority to amend, alter, and change the State roads in said county, which they have to amend, alter, and change the county roads, and be governed by the same rules and regulations by which they are governed as to county roads, all laws to the contrary notwithstanding.

Approved, February 12, 1844.

CHAPTER 152.

AN ACT to change the time of holding a County Court in Madison county, and for other purposes.

Madison.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, there shall be a term of the Madison County Court, commencing on the first Monday of June, in each year, and the law directing a term of said Court to be held on the last Monday in May, is hereby repealed.

Clarke.

SEC. 2. *Be it further enacted,* That the County Court of Clarke may hold a term on the fourth Monday in June, in each and every year.

Approved, February 12, 1844.

CHAPTER 153.

AN ACT to change the time of holding the Letcher and Pike County Courts, and for other purposes.

Letcher and
Pike.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Courts of Letcher and Pike counties to be held on the third Mondays in each month, instead of the first Monday, as now directed by law.

Rockcastle.

SEC. 2. *Be it further enacted,* That the County Court of Rockcastle shall not be required to hold Court in the month of August.

Approved, February 12, 1844.

CHAPTER 156.

AN ACT to allow an additional Justice of the Peace to Green county, and one to Barren county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the

LAWS OF KENTUCKY.

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Peace be, and is hereby allowed to the county of Green: *Provided*, That in such appointment, due regard be paid to the neighborhood of Mann's Lick, on Robinson creek, in said county.

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SEC. 2. *Be it further enacted*, That there shall be one additional Justice of the Peace allowed to the county of Barren, who may reside in the south west section of said county.

Barren.
Approved, February 13, 1844.

CHAPTER 158.

AN ACT to improve the State road leading from Frankfort to the Georgetown and Covington Turnpike road, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Scott county, a majority of the Justices being present, may order and direct the overseers of said road to make any slight changes in the location of said road.

Approved, February 13, 1844.

CHAPTER 165.

AN ACT to allow additional Constables to Casey, Fleming and Bath counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional Constable be allowed to the county of Casey, who shall reside in the neighborhood of John Chesney, in said county. *Casey.*

SEC. 2. *Be it further enacted*, That there shall be allowed three additional Constables to the county of Bath; one of whom shall reside in the vicinity of Sharpsburg; one of whom shall reside in the vicinity of Wyoming; and one in the Constable's district in which Samuel C. Gil, Esq. resides. *Bath.*

SEC. 3. That the Constable's district in which James Jones, Esq. resides, in said county, shall be enlarged as follows, to-wit: Beginning at the mouth of Nailor's branch, thence to intersect the road leading from the White Oak to the mouth of Indian creek, above the farm of Isaac Conyer, Jr., and to include him and Isaac Conyer, Sr.; thence with that road to the mouth of Indian creek; thence up Licking river to the mouth of Slate, including Wyoming; thence up Slate to the beginning.

SEC. 4. That the 8th Constable's district in the county of *Fleming*, be, and the same is hereby so enlarged, as to embrace the farm and mansion house of Mrs. Hannah Taylor, adjoining the present boundary of said district in said county.

Approved, February 13, 1844.

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CHAPTER 166.

AN ACT permitting the County Courts of Grant and Greenup to lay an additional levy for said counties.

Grant.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Grant county, a majority of the Justices being present, may lay an additional county levy tax for said county, if they deem said tax expedient and proper, for the present year, eighteen hundred and forty four.

Sec. 2. *Be it further enacted,* That the additional levy aforesaid, shall not exceed thirty seven and a half cents on each tythe.

Sec. 3. *Be it further enacted,* That the County Court of Greenup county shall, and are hereby authorized to lay an additional levy for the year 1844.

Approved, February 13, 1844.

CHAPTER 171.

AN ACT to limit the number of Constables in the town of Springfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever one of the offices of Constable, in the town of Springfield, Washington county, shall become vacant for any cause whatever, the same shall not be filled by the County Court of Washington county, and there shall not, thereafter, be more than one Constable in said town.

Approved, February 13, 1844.

CHAPTER 178.

AN ACT to regulate the terms of the Courts in the fourth Judicial District.

Trimble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trimble Circuit Court shall, after the ensuing Spring term, be held on the last Mondays of February and August, and continue six juridical days, if the business shall require it. That the Oldham Circuit Court shall, after the next ensuing March term, commence on the first Mondays in March and September, and continue twelve juridical days, if the business shall require it. That the Gallatin Circuit Court shall commence on the third Mondays of March and September, and continue twelve juridical days, if the business shall require it.

Oldham.

Gallatin.

Sec. 2. That all recognizances taken, and process issued, or which may be taken and issued, returnable to the terms of said Courts, as they stood before the passage of this act, shall be valid and returnable to the terms as fixed and regulated by this act.

Approved, February 13, 1844.

CHAPTER 180.

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AN ACT to improve the Moore road in the counties of Laurel and Knox.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the money arising from the passing of stock and passengers that may travel the Moore road, (alias, the Raccoon Shute,) shall be placed, by the gate keeper on the Richmond and London Turnpike road, in the hands of Aaron Johnson, of the county of Laurel, and Ezekiel S. Jones, of the county of Knox, as Commissioners, and said money shall be, by them, expended for the improvement and use of said road; which Commissioners shall, before they enter upon the discharge of their duties, be duly sworn, by some Justice of the Peace; and said Commissioners shall receive fifty cents per day, each, while actually engaged in their duties as contemplated by this act.

SEC. 2. *Be it further enacted,* That the gate keeper on the Richmond and London Turnpike road, in paying over said moneys to said Commissioners, shall be received to by them, which receipt shall be a voucher for said gate keeper, to settle with the Commissioners of the Richmond and London Turnpike road, and the amount thereof shall be allowed to said gate keeper, in his annual settlement with the last named Commissioners, against the Richmond and London Turnpike road Commissioners.

Approved, February 16, 1844.

CHAPTER 183.

AN ACT to compel Sheriffs to execute bond to collect county levy and revenue tax, and more effectually to secure the collection of the revenue.

WHEREAS, doubts have arisen whether Sheriffs of this Commonwealth, are *ex officio*, bound to collect the county levy and revenue tax in their respective counties—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be, and is hereby made the duty of each and every Sheriff of this Commonwealth, to collect the county levy and revenue due in their respective counties, so long as they remain in office; that should any Sheriff fail or refuse to execute bond for the collection of the revenue tax or county levy, at the time now required by law, any Sheriff so failing or refusing, shall forfeit the office of Sheriff for such refusal or failure, and it shall be the duty of the Governor, forthwith, to fill such vacancy: *Provided*, That any Sheriff thus forfeiting his office, may continue to act as such, until his successor shall be qualified.

SEC. 2. *Be it further enacted,* That in the event of any County Court failing to appoint Commissioners of Tax, at any time, or if any Commissioner appointed should fail to act, it shall be the duty of the County Court Clerk to furnish the

Sheriffs shall collect revenue and county levy.

And failing to do so, shall forfeit his office.

If County Ct. fail to appoint Commissioners of tax, Clerk or Second Audi-

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tor shall furnish a copy.

Sheriff with a copy of the last Commissioner's books returned to his office, and in the event of such being lost or mislaid, or from any other cause, should the Sheriff not be able to procure a copy of such book from the County Court Clerk, then it shall be the duty of the Second Auditor to furnish such Sheriff with a copy, from the book filed in the Second Auditor's Office, and such Sheriff shall proceed to collect the revenue and county levies from the book furnished by the Clerk or Second Auditor, (as the case may be,) and account for the same according to the laws now in force.

Sheriff shall collect taxes from all who fail to list with Commissioner, and report to court.

SEC. 3. *Be it further enacted,* That any Sheriff, in making his collections of the revenue, as aforesaid, and finding any person or persons who had failed to list their taxable property, that it shall be his duty to take a list of all such property, collect the revenue tax due thereon, and report the facts to the first County Court thereafter; and it shall be the duty of the County Court Clerk to certify all such additional tax to the Second Auditor, who shall charge the amount to the Sheriff, in his revenue account, and he shall account for the same, under the laws now in force, in such cases made and provided.

When there is no Sheriff, Sergeant of General Court shall collect.

SEC. 4. *Be it further enacted,* That should the office of Sheriff be vacant, from any cause whatever, or should there be no Collector of the revenue, according to the laws now in force, in any county in this Commonwealth, whereby the revenue is not promptly collected according to the laws now in force, then, and in that case, it shall be the duty of the Sergeant of the General Court, (or such officer as may be performing the duties of that station, by himself, deputy or deputies,) to proceed forthwith to collect any and all revenue that may be due and uncollected as aforesaid, and said Sergeant shall receive a commission of $12\frac{1}{2}$ per cent. upon all moneys collected and paid into the Treasury under the provisions of this act; and he shall be governed by the laws now in force regulating the collection of the revenue, and shall be subject to the same fines and penalties for a failure of his duty in collecting and paying over such revenue as may come to his hands, or any of his deputies; and said Sergeant is hereby authorized to ap-

Sergeant may appoint deputies.

point such persons as he may deem proper, to act as his deputy or deputies, for carrying this law fully into effect, and he is authorized to take indemnifying bonds from such deputy or deputies, but he shall be responsible for all their official acts. And it shall be the duty of the Second Auditor to furnish said Sergeant with a copy of all such books and papers as may be filed in the Second Auditor's Office, and may be considered necessary to enable the said Sergeant to proceed forthwith to the collection of any such revenue as may be due and unpaid; and in case the County Court Clerk of any such county should have failed to forward to the Second Auditor, the Commissioner's book for such revenue thus due and unpaid, then, and in that case, the Second Auditor shall furnish said Sergeant with a copy of the last book filed in the Second Audi-

Second Auditor shall furnish Sergeant with copy of Commissioner's books.

tor's Office; and said Sergeant shall be governed by the provisions of this law in all cases.

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Approved, February 16, 1844.

CHAPTER 184.

AN ACT to change the time of holding the Spring and Fall terms of the Hart Circuit Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the Spring term of the Hart Circuit Court shall commence on the first Monday in April, and continue twelve juridical days, and the Fall term of said Court on the first Monday in October, and continue twelve juridical days.

SEC. 2. *Be it further enacted,* That the Justices of the Green County Court shall be authorized to hold a County Court in August.

SEC. 3. *Be it further enacted,* That the terms of the Henderson Circuit Court shall commence on the first Mondays in June and third Mondays in November.

Approved, February 16, 1844.

CHAPTER 186.

AN ACT to amend the law establishing a road from Brandenburg to Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful, upon application, for the County Courts of Breckinridge and Meade, to appoint reviewers, to change, under the laws now in force upon the subject of county roads, the road leading from Brandenburg to Bowlinggreen, by way of Litchfield: *Provided however,* That a majority of the Justices of said Courts shall be present and concur therein.

Approved, February 16, 1844.

CHAPTER 187.

AN ACT to allow additional Justices of the Peace to Lewis and Grayson counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there be allowed to the county of Lewis, one additional Justice of the Peace, who shall keep his office in the neighborhood of the Laurel and Grassy Fork of Kinnicank creek.

SEC. 2. *Be it further enacted,* That one additional Justice of the Peace be allowed to the county of Grayson.

Approved, February 16, 1844.

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CHAPTER 188.

AN ACT to attach the Tennessee Island, opposite Paducah, to McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Island at the mouth of the Tennessee river, opposite the town of Paducah, called "the Tennessee Island," be, and the same is hereby-attached to, and made part of the county of McCracken.

Approved, February 20, 1844.

CHAPTER 191.

AN ACT authorizing the County Court of Livingston to hold their Courts on the first Monday in those months in which no Circuit Court sits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, it shall be lawful for the Justices of Livingston county to hold their County Court on the first Monday of those months in which no Circuit Court may sit.

Approved, February 20, 1844.

CHAPTER 192.

AN ACT to reduce the price of vacant lands in certain counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Courts of Russell, Cumberland, Clinton, Pulaski, Casey, Monroe, Rockcastle, Butler, Edmonson, Perry, Adair, Morgan, Breathitt, Whitley, Logan, Greenup, Warren, Trigg, Clay, Letcher, Simpson, Montgomery, Estill, Washington, Allen, Grant, Floyd, Pike, Johnson, Owen, Knox, and Harlan counties, shall be, and they are hereby authorized and empowered to reduce the price of vacant and unappropriated lands in their respective counties, to any sum not less than two dollars and fifty cents per hundred acres.

Approved, February 20, 1844.

CHAPTER 195.

AN ACT to alter the time of holding the February term of the Caldwell Circuit Court in 1844.

Caldwell. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if the Judge of the seventh Judicial District shall fail to hold the Caldwell Circuit Court on the fourth Monday in February, as now provided by law, he shall commence and hold the first term of said Court, for the present year, on the second Monday in June next, and continue the same eighteen juridical days, if the business re-

quire it; and all process and recognizances, &c. made returnable to any previous term of said court, shall be returnable to the said June term. This act shall not be construed to alter the February term of said court in any future year.

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SEC. 2. Be it further enacted, That whenever there shall be five Mondays in the months of April and October, the Crittenden Circuit Court shall commence on the fifth Monday in said months.

Crittenden.

Approved, February 20, 1844.

CHAPTER 196.

AN ACT for the benefit of the Surveyor of the county of Union, and to allow an additional Constable to Christian county.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Union county shall permit Josiah Williams, County Surveyor of said county, to renew his official bond, upon the application of said Williams, and upon his tendering to said court sufficient security.

SEC. 2. Be it further enacted, That the county of Christian be entitled to one additional Constable, who shall reside in the neighborhood of Thomas W. Coleman, in said county.

Approved, February 20, 1844.

CHAPTER 197.

AN ACT to repeal the eighth and ninth sections of an act, entitled, "an act to add to the resources of the Sinking Fund," approved, March 11, 1843.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the eighth and ninth sections of an act, entitled, "an act to add to the resources of the Sinking Fund," approved, March 11th, 1843, imposing a tax on collateral inheritances and devisees, be, and the same are hereby repealed, and any property that may have come to the agent or other officer, under the provisions of the above recited law, shall be refunded to the proper owner.

SEC. 2. Be it further enacted, That wherever a Commissioner or Agent, on behalf of the State, has been acting under the sections repealed by this act, and entitled thereby to compensation, he shall retain it out of the amount which the State would have been entitled to, and so much thereof is not to be refunded to the proper heirs or devisees.

Approved, February 20, 1844.

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CHAPTER 198.

AN ACT to provide for running and marking the division line between the counties of Owsley and Estill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Surveyors of Clay and Estill counties meet on the fourth Monday in March next, or as soon thereafter as practicable, and proceed to survey and mark the division line between the counties of Owsley and Estill; and should any division of opinion arise between them in relation to the said survey, the same shall be submitted by them to the Surveyor of Owsley county, whose decision shall be final. They shall commence at the Laurel line, and run to the Montgomery line, and after the said survey is completed, they shall report the same to the County Court of Owsley, together with a bill of the fees, and wages of the Surveyors, Chainmen, Marker, &c., which wages shall be as follows, to-wit: two dollars per day for each Surveyor, and one dollar per day for each Chainman, Marker, &c.; and the County Courts of Estill and Owsley shall, respectively provide, at their next levy terms, for the payment of one half of said claims.

Approved, February 22, 1844.

CHAPTER 199.

AN ACT to change the time of holding the Whitley Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the Spring term of the Whitley Circuit Court shall commence on the third Mondays in May, instead of the third Mondays in March, as now provided by law; and all recognizances taken, and all process issued and made returnable to the March term of said Court, shall be considered as taken and made returnable to the May term, and shall be, to all intents and purposes, as binding, compulsory and effectual, as though made so returnable on their face; and the court shall have as full and ample power to try or otherwise dispose of all cases pending in said court at the May term, as though that had been the regular time for holding said court, under previous existing laws.

SEC. 2. That the Fall term of Whitley Circuit Court shall hereafter commence on the fourth Monday in August, instead of the time now provided for by law; and the Spring and Fall terms of said court shall continue twelve juridical days, if the business of the court shall require it.

Approved, February 22, 1844.

CHAPTER 201.

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AN ACT to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved, January 21, 1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said Canal shall be yielded up to the government of the United States, and no annual report, as mentioned in the charter of the Louisville and Portland Canal Company, shall be required to be made by the United States, or the agents and superintendents of said Canal, to the General Assembly of this Commonwealth.

Approved, February 22, 1844.

CHAPTER 208.

AN ACT to amend the laws in relation to public roads.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several County Courts of this Commonwealth shall have power to direct and require the Surveyor of any public road in their respective counties, where the road has been thrown up by a ditch or ditches, on either side, to cause the said ditch or ditches to be kept clear and clean, from any and all obstructions to the free passage of the water therein; and on failure to obey the order of said Court, as aforesaid, the surveyor shall be liable to presentment by the grand jury, and subject to a fine as in other cases, for failure to keep roads in repair.

Ditches to be kept open.

Sec. 2. That any person or persons filling up, or placing any obstruction to the free passage of the water, in any ditch directed to be kept clean, as aforesaid, shall be liable to a presentment by the grand jury, as a misdemeanor, and on conviction thereof, may be fined any sum not less than one dollar and not exceeding five dollars.

Penalty for filling up ditches, &c.

Sec. 3. Be it further enacted, That the County Court of Union county, a majority of all the Justices concurring, shall have power to change any part of the State road leading from the mouth of Salt river to Shawneetown, between Morganfield and the Ohio river, opposite Shawneetown.

County Court of Union may change a State road.

Approved, February 23, 1844.

CHAPTER 210.

AN ACT to amend the charter of the Owingsville and Big Sandy Turnpike Road Company.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the citizens living on the ungraded part of the Owingsville and Big Sandy Turnpike

Citizens to work on the road.

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Road, and all those that live within one mile of said road, and on either side of said ungraded road, shall be, and are hereby required to work and labor on said ungraded road three days in every year, and shall be exempt from working on any other road; and the said persons shall be subject to all the laws now in force, and to the same fines which are now imposed against those who fail and refuse to work on roads when called on.

County Court of Carter may order gates to be opened, if the road is not in repair.

Sec. 2. That, hereafter, the County Court of Carter county, a majority of all the Justices being present, upon complaint being made to them, that said road, or any part thereof, is out of repair, and satisfactory proof being made to said court of that fact, they shall make an order, directing the gate keeper or keepers, where said road or part of said road shall be out of repair, to open the gate or gates on said road, and said gate keeper or keepers shall receive no toll until said road shall be put in repair, as is now required by law.

Penalty for evading the payment of tolls.

Sec. 3. That if any person or persons liable to pay toll at either of the toll gates on said road, shall, with an intent to defraud the gate keeper, pass through any private gate or passway, or shall conduct others along said private passways, or shall cut out any private passways around any of the aforesaid Turnpike gates, with an intent to evade the payment of toll at the said gate or gates, shall, for every such offence, forfeit and pay to the lessee of said road the sum of ten dollars, to be recovered before any Justice of the Peace, in like manner as other debts are collected, in the name of the lessee of said road.

Repealing clause.

Sec. 4. That all acts or parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Approved, February 23, 1844.

CHAPTER 211.

AN ACT to establish the nineteenth Judicial District.

District.

Time of holding courts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be established in this Commonwealth, an additional Judicial District, to be styled the "nineteenth Judicial District," to be composed of the counties of Carter, Lawrence, Johnson, Floyd, Pike, Letcher, Perry and Breathitt, and that there shall be a Circuit Judge and Commonwealth's Attorney appointed for said district, who shall possess all the powers and receive the same emoluments that are exercised and received by other Circuit Judges and Commonwealth's Attorneys in this Commonwealth, both of whom shall reside in said district. And that, hereafter, the Floyd Circuit Court shall commence on the first Mondays in April and October, and continue six juridical days at each term, if the business of the said court shall require it. The Johnson Circuit Court shall hereafter commence on the Tues-

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day following the close of the Floyd Circuit Court, and continue four juridical days at each term, if the business of the said court shall require it, in the said months of April and October. The Lawrence and Carter Circuit Courts shall commence at the times, and continue as is now prescribed by law. The Pike Circuit Court shall hereafter commence on the Wednesday after the second Monday in May and November, and continue four juridical days at each term, if the business of said court shall require it. The Letcher Circuit Court shall hereafter commence on the second Wednesday succeeding the Pike Circuit Court, and continue four juridical days at each term, if the business of the court shall require it, in the months of May and November. The Perry Circuit Court shall hereafter commence on the Monday succeeding the close of the Letcher Circuit Court, in the months of May and November, and continue five juridical days at each term, if the business of said court shall require it. The Breathitt Circuit Court shall hereafter commence on the Monday succeeding the Perry Circuit Court, in the months of May and November, and continue six juridical days, if the business of the said Court shall require it.

Sec. 2. Be it further enacted, That all recognizances taken, and process issued, returnable to the terms of said courts as they heretofore stood, shall be returnable to the terms of the courts as prescribed by this act, and shall be as obligatory and binding as they would have been if this act had not been passed, and they had been returned to said courts as they originally stood prior to the passage of this act.

Process re-
turnable.

Approved, February 27, 1844.

CHAPTER 215.

AN ACT to change the time of the sitting of the Garrard Circuit Court.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the August term of the Garrard Circuit Court, in each and every year, shall commence on the third Monday in August, instead of the time now required by law.

Sec. 2. That after the month of March next, the County Court of Russell county shall be held on the second Monday in each month, instead of the third Monday, as heretofore, except in those months in which the Circuit Court shall be held in said county.

Approved, February 27, 1844.

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CHAPTER 216.

AN ACT to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer, and Stephen Ashby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be, and they are hereby authorized to state and settle the accounts of James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer, and Stephen Ashby, as agents of the State for the improvement of Green and Barren rivers, which Board of Internal Improvement shall be authorized to allow to said agents, severally, compensation adequate to the services performed by them, and each of them: *Provided*, That after full investigation, the said Board shall be of opinion that the said agents have not, heretofore, received sufficient compensation for their said services; and it shall be the duty of the said Board to take the necessary steps to collect or secure any unexpended balance that may be found due the Commonwealth of Kentucky from said agents or any one of them.

Approved, February 27, 1844.

CHAPTER 222.

AN ACT to amend the Inspection Laws.

Preamble. WHEREAS, it is represented to the present General Assembly, that at some of the Tobacco Inspections in this Commonwealth, large lots of tobacco are frequently inspected before sale is made of any part thereof, and that the samples of the same being thus exposed to atmospheric influence, become materially injured in appearance and quality, whereby prices are frequently unjustly lowered, to the loss of many of the tobacco growers: and whereas, it is further represented, that some of the Inspectors of this Commonwealth, *ex officio*, deduct the sum of one dollar and twenty five cents from the price of each hogshead by them sold, and weighing less than one thousand pounds, usually termed dockers—for remedy whereof,

Tobacco to be sold when inspected. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the inspection of each and every hogshead of tobacco, and before the inspection of any other, that inspected shall be immediately exposed to sale, unless otherwise directed by the owner thereof: *Provided*, That the whole lot belonging to any one seller may, at his request, be inspected before any part thereof is sold: *Provided, further*, That nothing herein contained shall be so construed as to authorize the inspection and sale of any tobacco out of its regular turn.

Proviso. **Further proviso.** Sec. 2. That, hereafter, the Inspectors aforesaid, shall make no deduction from the price of any hogshead of tobacco, though the same may weigh less than one thousand pounds;

No deduction to be made

but that all such shall be sold in the same manner, and subject to the same rules and regulations as those of a larger size, and the prices thereof shall be regulated only by the biddings of purchasers, as in the sales of hogsheads weighing over one thousand pounds.

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for hogsheads
weighing less
than 1,000 lbs.

Approved, February 27, 1844.

CHAPTER 228.

AN ACT directing special terms of the Circuit Courts to be held in the counties of Meade and Breckinridge, for the trial of criminal and chancery causes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Judge of the thirteenth Judicial District shall hold a term of the Circuit Court, for the trial of criminal and chancery causes, in the county of Meade, commencing on the third Monday in August, in each year, and continuing six juridical days, if the business before said court shall require it.

SEC. 2. That the Judge of the fourteenth Judicial District, shall, in like manner, hold a term of the Circuit Court, for the trial of criminal and chancery causes, in the county of Breckinridge, commencing on the third Monday in July in each year, and continue for six juridical days, if the business before said court shall require it.

Approved, February 27, 1844.

CHAPTER 230.

AN ACT to repeal so much of an act, entitled, an act to amend the Revenue Laws, approved, January 18, 1842, as declares the offices of Commissioner of Tax and Constable incompatible.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, approved January 18, 1842, entitled, an act to amend the revenue laws, as declares the office of Commissioner of Tax and Constable incompatible, shall be, and the same is hereby repealed.

Approved, February 27, 1844.

CHAPTER 231.

AN ACT prescribing the terms on which the use of the Jails and the Jail and Penitentiary House of this State may be allowed to the authorities of the United States.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the use of any Jails of this Commonwealth, and of the Jail and Penitentiary House thereof, shall be allowed to the authorities of the United States, for commitment and confinement of prisoners therein, committed

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thereto under the laws of the United States, on the terms proposed to be paid in the joint resolution of Congress, approved September 23, 1789. And the keepers of the Jail and Penitentiary House of this State, or such other officer as the Governor may direct, shall annually, or oftener, hereafter, demand payment from the proper authorities of the United States, for keeping and supporting all prisoners committed to said Jail and Penitentiary House under the authority of the United States, according to the terms of the resolution of Congress of 1789; and in case of the disallowance of payment therefor by the authorities of the United States, the Governor is directed to give notice to the Circuit or District Judge for the District of Kentucky, that the State of Kentucky will no longer permit the confinement of any prisoner of the United States in any of her Jails, or in her Jail and Penitentiary House.

Sec. 2. Be it further enacted, That the Governor be directed to demand from the proper authorities of the Federal Government, at the City of Washington, payment for the confinement and support of prisoners heretofore committed to the Jail and Penitentiary House, under the authority of the United States, upon the terms provided in the laws of the United States and the State of Kentucky; and in case of the refusal of said authorities to pay said claim, the Governor is directed to take such steps as he may deem best, to present said claim to the consideration of the Congress of the United States.

Sec. 3. Be it further enacted, That all laws that may conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, February 27, 1844.

CHAPTER 237.

AN ACT for the benefit of foot passengers on the Wilderness Turnpike road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, foot passengers shall pass free of toll at the Cumberland Turnpike gate, the Crab Orchard gate, and the gate on the Madison fork of the Wilderness Turnpike road.

Approved, February 27, 1844.

CHAPTER 238.

AN ACT regulating the times of performing certain duties in the Auditor's Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the damages or interest shall not be awarded against non-resident owners of land in this

Commonwealth, for not paying the taxes due thereon, until the 10th day of February, in each year; and all forfeitures of non-resident lands, for a failure to pay taxes, shall take place on the 10th day of February, in each year, instead of the 10th day of December, as now required by law.

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Approved, February 27, 1844.

CHAPTER 244.

AN ACT for the benefit of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the County Court of Clinton county, to apply the proceeds, or any part thereof, arising from the sale of vacant lands in said county, to the erection or completion of the public buildings in the town of Albany.

Approved, February 27, 1844.

CHAPTER 247.

AN ACT to change the time of holding the August Term of the County Court of Carroll.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the August term of the County Court of Carroll shall be holden on the second Monday in August, instead of the time now provided by law.

Approved, February 27, 1844.

CHAPTER 249.

AN ACT to extend a road from the western termination of Pine Street, in the town of Danville, to the Turnpike road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon the application of any citizen of the county of Boyle, it shall and may be lawful for the County Court of said county to cause a review for a road from the western termination of Pine Street, of the town of Danville, to the turnpike road leading to Harrodsburg, and shall make all necessary orders to establish said road, according to the existing laws in relation to the viewing and establishment of public highways, and shall have power to extend a road westward from said Pine Street to the turnpike road aforesaid, the same width that it now has, or less, if it seems to said court right and proper.

Approved, February 27, 1844.

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CHAPTER 250.

AN ACT to authorize the construction of a road from the present Franklin and Crab Orchard Turnpike, near Salvisa, to the Kentucky river, at McAfee's Warehouse.

**Board of Internal Imp'tn.
in Mercer au-
thorized to
make the road.**

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement in Mercer county, on the Franklin and Crab Orchard Turnpike Road, be, and they are hereby authorized and directed to cause to be constructed, a similar turnpike road from the warehouse and landing of Robert McAfee, on the Kentucky river, to the present turnpike road, or some point between the town of Salvisa and the toll gate above said town; and for that purpose the said Board, or the President thereof, or any other person, may apply to the Mercer County Court for a review and order to establish said road, and open the same according to law.

Stock.

SEC. 2. That for the purpose of aiding in the construction of said road, the said Board of Internal Improvement shall cause their books to be opened for subscriptions to said road at the Clerk's Office, in the town of Harrodsburg, and the tavern of Joseph Armstrong, in the town of Salvisa, and such other places, within this State, as they may think proper, on the first Monday in the month of April next; and as soon as the sum of one thousand dollars, in shares of twenty five dollars, is subscribed and secured to the said Board, payable in six and twelve months, the said Board shall commence the construction and opening of said road, with the aid of such hands as may be allotted to said road by the County Court of Mercer, and such other means which said Board may think necessary and useful; and the said books shall be kept open for three months.

**Powers of
Mercer county
court.**

SEC. 3. That so soon as said road shall be completed for travel, the power of the County Court of Mercer over said road shall cease, or they may continue to exercise, jointly, power and authority over said road, if the said Board of Internal Improvement shall require it.

Subscriptions.

SEC. 4. Subscriptions to said road may be made in money, labor or provision, on such terms as the said Board may require, which may be recovered by warrant or otherwise, in case of failure to pay: *Provided*, That said road shall never become a charge to this Commonwealth.

Approved, February 27, 1844.

CHAPTER 253.

AN ACT concerning the Northern Bank and Bank of Kentucky.

**Further time
given to sell
real estate.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the fifth section of the act, entitled, an act supplemental to the act establishing the Northern Bank of Kentucky, approved February 28, 1835,

and so much of the 28th section of an act, entitled, an act to establish the Bank of Kentucky, approved February 22, 1834, as requires that real estate taken in payment of debts due said Banks shall be sold within five years next after the estate shall have been fully acquired, and on failure, the same to be vested in the Commonwealth without office found, shall be, and the same are hereby modified and changed, so as to give said Banks five years, from the passage of this act, to make sale of any real estate which they, or either of them, may now hold, and which was received in payment for debts, any thing in the said recited acts to the contrary notwithstanding.

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Approved, February 28, 1844.

CHAPTER 254.

AN ACT to attach the counties of Estill and Fleming to the Eleventh Judicial District, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the counties of Estill and Fleming shall be, and are hereby attached and added to the eleventh Judicial District, and that, hereafter, the Fleming Circuit Court shall commence on the second Mondays in April and October, and sit twelve juridical days, should the business of said court require it. The Circuit Court of Estill shall, hereafter, be held on the fourth Mondays in the months of April and October, and sit twelve juridical days, if the business of said court shall require it. The Morgan Circuit Court shall, hereafter, commence on the third Mondays in May and November, and shall sit six juridical days, if the business of said court shall require it.

Estill and
Fleming added
to 11th district

Times of holding
courts in
11th district.

SEC. 2. That the Judge of the eleventh Judicial District shall, if necessary, appoint special chancery terms for the trial of chancery causes, the terms of which shall be fixed by the Judge at the terms of his courts preceding the holding said chancery terms.

SEC. 3. *Be it further enacted,* That the Circuit Court of Carter county shall be held on the second Mondays of May and November, in each year, and sit six juridical days at each term, if the business of the court shall require it. The Lawrence Circuit Court shall commence and be held on the first Mondays of May and November, in each year, and continue six juridical days, if the business of the court shall require it. The Johnson Circuit Court shall commence and be held on the fourth Mondays of April and October, in each year, and continue six juridical days, if the business of the court shall require it. The Floyd Circuit Court shall commence on the third Mondays of April and October, and continue six juridical days, if the business of the court shall require it. The Breathitt Circuit Court shall commence on the third Mondays

Times of holding
courts in
19th district.

1844

of March and September, in each year, and continue six juridical days, if the business of the court shall require it. The Perry Circuit Court shall commence on the fourth Mondays of March and September, in each year, and continue six juridical days, if the business of the court shall require it. The Letcher Circuit Court shall commence on the Mondays succeeding the Mondays on which the Perry Circuit Court commences, and continue six juridical days, if the business shall require it. The Pike Circuit Court shall commence on the second Mondays in April and October, in each year, and continue six juridical days, if the business of the court shall require it.

Sec. 4. That the Bourbon Circuit Courts shall, hereafter, commence on the second Mondays in the months of April and October, in each year, and shall sit, at each term, eighteen juridical days, if the business of said court shall require it. The Nicholas Circuit Courts shall, hereafter, commence on the first Mondays in May and November, in each year, and shall sit, at each term, twelve juridical days, if the business of said court shall require it.

Sec. 5. That the Judge of the tenth Judicial District shall have the power to make an order, at the close of any one of his courts, to re-commence said term at any time between that term and the succeeding term of said court, in order to finish the business of said term: *Provided however,* That no new suits shall be tried at said terms so appointed and ordered by said court, unless by consent of the parties.

Sec. 6. That the Owsley Circuit Court shall, hereafter, commence on the Wednesday preceding the first Mondays in May and November, in each year, and shall set four juridical days, if the business of said Circuit Court shall require it.

Sec. 7. *Be it further enacted,* That all process, civil or criminal, or notices to dissolve injunctions or otherwise, or recognizances heretofore entered into, shall be made returnable to the terms as fixed by this act, and shall be as valid, to all intents and purposes, as if this act had not passed.

Sec. 8. *Be it further enacted,* That it shall be the duty of the Judge of the 16th Judicial District to hold, in each year, in the county of Calloway, a special chancery term for the trial of chancery and criminal causes; which term shall continue six juridical days, if the business shall require it.

Time of holding courts in Bourbon.

Nicholas.

Judge of 10th district may hold adjourned courts.

Time of holding Owsley courts.

Process returnable.

Chancery and criminal term to be held in Calloway.

Approved, February 28, 1844.

CHAPTER 256.

1844

AN ACT requiring the Judge of the Seventh Judicial District to hold chancery terms of the Christian, Caldwell and Hopkins Circuit Courts, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Judge of the seventh Judicial District shall hold a term of the Christian Circuit Court for the preparation and trial of chancery causes and criminals, commencing on the second Monday in July, in each year, and continue twelve juridical days, if the business require it.

Sec. 2. That the Judge of said district shall hold a term of the Caldwell Circuit Court, for the preparation and trial of chancery causes and criminals, commencing on the fourth Monday in July, in each year, and continue six juridical days, if the business require it.

Sec. 3. That the Judge of said district shall hold a term of the Hopkins Circuit Court, for the preparation and trial of chancery causes and criminals, commencing on the second Monday in August, in each year, and continue six juridical days, if the business require it.

Sec. 4. *Be it further enacted,* That all chancery process and orders, issued after the Spring terms of said courts, shall be returnable to the aforesaid chancery terms, in the same manner, and to the same effect, as they are now returnable to the regular terms.

Sec. 5. *Be it further enacted,* That process in chancery may be made returnable to any special chancery term appointed by the Judge who sits in such court.

Approved, February 28, 1844.

Christian.

Caldwell.

Hopkins.

Return of process.

Process.

CHAPTER 257.

AN ACT to amend the charter of the Lexington and Georgetown Turnpike Road Company.

WHEREAS, it is represented to the General Assembly, that there is a distance of about eight miles between the two gates now erected upon the Lexington and Georgetown turnpike road, and that within said eight miles there are sundry shupikes, which enables persons to use five or six miles of said turnpike road with wagons, &c., greatly to the injury of said road, without paying toll—for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said company, by their President and Directors, shall be, and they are hereby authorized and empowered to erect a third toll gate at such point between said two gates as they may deem best.

Sec. 2. That if any traveller or passenger shall produce a ticket from the keeper of either of the gates now erected, in evidence that such traveler or passenger has paid toll at

Third gate
may be erect-
ed.Ticket to be
produced or
toll paid at 3d
gate.

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either of said gates, he shall be at liberty to pass said middle gate free of toll at said middle gate; and it shall be the duty of the toll gate keepers to furnish said tickets to travelers.

Sec. 3. That if any person or persons, not producing such evidence of having paid toll at either of the extreme gates as aforesaid, shall refuse or fail to pay at the middle gate, he, she, or they, shall be subject to the same fines and penalties as are now provided for at the other gates.

Middle gate keeper to give tickets to travelers.
Penalty for failing to pay toll.
 Sec. 4. That it shall be the duty of the keeper of the middle gate to furnish a ticket to any person paying toll at said gate, which shall exempt him, her or them from paying toll at the other gate to which he, she or they may be traveling; and nothing herein shall restrain the Legislature from repealing this act.

Approved, February 28, 1844.

CHAPTER 258.

AN ACT to amend an act to incorporate the Bank Lick Turnpike Road Company.

Time for commencing construction of extended.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time prescribed for the commencement of the work on said Turnpike Road, be, and is hereby extended from the first day of May, 1845, until the first day of May, 1850, and that said road begins at the corporation line of the City of Covington, and terminates at a distance of twelve miles.

Place of holding elections fixed.

Books to be opened for subscription of stock, when and where.

Sec. 2. That, hereafter, the place for holding the election for the officers of said company, shall be at Independence, in Kenton county; and that books for the subscription of stock in said company, shall be opened on the third Monday in April next, at the following named places, and under the direction of the following persons, who are hereby appointed Commissioners for that purpose, to-wit: At Independence, under the direction of Robert Perry, William A. Pendleton, William G. Ellis, James Dedman, William D. Scott, Elijah Yates and John McCallom; at Fish's Store, under the direction of Ezra K. Fish, R. N. Dudley, Young Bagby and Dr. D. L. Fisk; at Crittenden, in Grant county, under the direction of John W. Finley, Doctor M'Neal and James Hudson; at Williamstown, in said county, under the direction of Andrew S. Lynn, Seth Daud and John M'Can; at Falmouth, in Pendleton county, under the direction of Samuel F. Swope, S. Thomas Hauser and A. Robbins; at Colemansville, in Harrison county, under the direction of Dr. Hawkins, Lewis McMurry and S. C. Perrin; at Cynthiana, in said county, under the direction of Richard Stowers, William A. Withers and General Desha. Any two of the persons named as Commissioners at each of the aforesaid places, may act.

Approved, February 28, 1844.

CHAPTER 259.

1844

AN ACT authorizing the Superintendent of Public Instruction to pay to the Trustees of Districts Nos. 1 and 2, in Green county, such money as is due them.

WHEREAS, the Trustees of Common Schools, in districts Nos. 1 and 2, in Green county, respectively organized and conducted, according to law, a school in each of said districts, for five and a half months, and made duly, a report thereof to the Common School Commissioners for said county, who, in due time and form, reported the same to the Superintendent of Public Instruction: And whereas, said report was not received by said Superintendent, but miscarried by mail, and consequently not noticed in his annual report, thereby disqualifying said districts for the legal reception of such amounts of money as then were due them from the School Fund:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of Public Instruction be, and is hereby authorized to pay, or cause to be paid, to the Commissioners of Common Schools, for Green county, such amounts of money as may be due, by law, to Common School districts Nos. 1 and 2, in said county, for the benefit of the Trustees for said districts.

Approved, February 28, 1844.

CHAPTER 260.

AN ACT for the benefit of the Kentucky Lunatic Asylum.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Richard Pindell, Richard A. Buckner, Jr., William B. Kinkead, William A. Leavy, and Nathaniel Shaw, be, and are hereby appointed a Board of Directors, to conduct the Kentucky Lunatic Asylum, who shall severally take an oath or affirmation, to discharge all duties required of them by law. Of the five Directors so appointed, the first named shall hold his office for the term of five years, the second for the term of four years, the third for the term of three years, the fourth for the term of two years, the fifth for the term of one year; and after the first appointment, as the term of office of any Director shall expire, a successor shall, in like manner, be appointed for the term of five years. In case a vacancy shall occur in the office of Director, by death or otherwise, the Governor shall fill such vacancy, by appointment, until the next session of the General Assembly of Kentucky, who shall appoint, in manner aforesaid, for the remainder of the term in which such vacancy occurred; and the Directors shall hold their office until their successors are appointed and qualified.

Commissioners
of appointed,
to take oath,
and term of of-
fice.

Vacancies how
filled.

SEC. 2. That the Board of Directors shall appoint a Superintendent, who shall be a Physician, and shall reside near the Asylum, and devote his entire time to the Institution and the

Superintend-
ent to be ap-
pointed.

LAWS OF KENTUCKY.

1844 patients therein. The Directors shall also appoint a Steward, a Matron, and such other officers and attendants as they may deem necessary to conduct, economically and efficiently, said Institution, and fix their salaries; all of said officers, attendants, and servants, to be removable at the pleasure of the Board.

Commissioners to make oath that bodies of patients shall not be used for dissection, &c. SEC. 3. *Be it further enacted,* That the Commissioners be required to make oath that the bodies of such patients as may die at the Asylum, shall not be removed or used for purposes of anatomical dissection, if they can prevent it, except by the resident Physician, to examine into the disease of which the patient died or was deranged, and this in private: *Provided,* That there shall be no postmortem examination of any patient dying in the Asylum, where the friends or relatives of the deceased object to it.

Approved, February 28, 1844.

CHAPTER 267.

AN ACT to authorize the use of a portion of the surplus water at dam No. 3, on Green river, on certain conditions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Green and Barren river Commissioners, or such officers as may be entrusted with the control of the improvements on those rivers, be, and they are hereby authorized to lease to any individual or company, a portion of the water power at dam No. 3, on Green river, on the following terms, to-wit: The individual or company shall be required, at his or their own expense, to excavate a race through the rock at the west end of said dam, of sufficient capacity to convey water enough to propel four common saw mill saws, and four pairs of common burr mill stones, with the machinery necessarily connected therewith; and the said individual or company shall be required, in a reasonable length of time, to construct and put in operation, a good merchant mill, for the manufacture of flour. In consideration of the performance of the aforesaid stipulations and requirements, the said individual or company shall be entitled to the use of one half of the water conducted by the race constructed as aforesaid, for the term of thirty years: *Provided,* That whenever the State shall pay to said individual or company, for constructing said race, the said individual or company shall be required to pay to the State the sum of fifty dollars per annum, for the use of power sufficient to propel one pair of burrs, or one saw mill saw, with the machinery necessarily connected therewith, and in the same proportion for all that may be used by said individual or company.

Approved, February 29, 1844.

LAWS OF KENTUCKY.

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CHAPTER 268.

1844

AN ACT to add a portion of the county of Nicholas to Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, there shall be, and is hereby added to the county of Bracken, all that part of the county of Nicholas included in the following boundary, to-wit: Beginning where the Nicholas and Harrison county line crosses the new cut road leading from Claysville to Washington; thence with said road to the Mason county line; thence with the Mason county line to the Bracken county line; thence with the Bracken line to the Harrison county line; and thence with the Harrison county line to the beginning, which shall be known as a part of the county of Bracken, and within its boundary lines.

Approved, February 29, 1844.

CHAPTER 270.

AN ACT to establish a State road from Paducah to Gray's Ferry, on the Tennessee river, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That George Dun and Matthew Markland, of McCracken county, and William Rice and John McElrath, of Marshall county, and John Sledd, of Calloway county, or any three of them, after being first duly sworn, shall proceed to the town of Paducah, and view a way from thence across Island creek, to Clark's river, at H. Smedley's ferry across Clark's river, near its mouth, and from thence, on the east side of Clark's river, the nearest and best way to Gray's ferry, on the Tennessee river; and when they are satisfied as to the best route for a road from and to the points aforesaid, that they cause the route so selected by them to be so marked and identified that there will be no difficulty in finding and pursuing the same; and it shall be the duty of said Commissioners to make a report, in writing, to the County Courts of McCracken and Marshall, designating therein fully and explicitly the route and ground over which said road shall pass.

Commissioners
to view way.

Direction of
road.

Route to be
marked.

Sec. 2. That upon the before mentioned report being made to the said County Courts, the route designated, shall be, and the same is hereby established a *State road*: *Provided*, That said County Courts, a majority concurring therein, shall deem the establishment of said road right and proper; and it shall be the duty of said County Courts to lay off said road into convenient precincts, and appoint Surveyors of the same, and allot a sufficient number of hands to each, to clear out and improve said road, within each of their respective counties; and that said Surveyors shall cause said road to be cleared out at least twenty feet wide, or such width over that and under

County Court
may establish
road, on report
being made by
Commissioners
and lay off the
road into pre-
cincts, and al-
lot hands to
clear out road.

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thirty feet, as said County Courts shall prescribe, and the same shall be cleared so as to admit of safe and convenient passage.

Pay to Commissioners. SEC. 3. That said Commissioners shall be paid the sum of two dollars for each and every day they may be necessarily employed in the discharge of the duties herein assigned them, to be paid equally by the counties of McCracken and Marshall, out of the county levy of said counties, to be allowed by said County Courts.

County Courts not to alter road.

Surverors to be appointed, and hands allotted to keep road in repair.

Owners of land may obtain writ ad quod damnum.

Commissioners to view road from Benton to intersect the road above referred to.

Provisions of act to apply to road from Benton.

SEC. 4. That it shall not be lawful for the County Courts of said counties through which said road passes, to alter or change the location of the same in any way, after the same shall have been reviewed and reported as aforesaid; but it shall be their duty, at all times thereafter, to appoint Surveyors or Overseers of all the precincts of said road, and allot to each Surveyor a sufficient number of hands to keep the same in repair; and the said Surveyors and hands thereof, shall be governed by the same laws and regulations as are now, or hereafter may be in force in this State, in relation to working and improving public roads.

SEC. 5. That any person or persons, over whose lands said road may pass, shall have the right to obtain from the County Court of the county in which such lands lie, a writ of *ad quod damnum*, under the provisions of the general laws of this State; and the damages assessed under such writ shall be levied by said County Court, as directed by the provisions of the general road laws of this State.

SEC. 6. *Be it further enacted*, That the said Commissioners be, and they are hereby required, after they shall have discharged the duties assigned them, as directed by this act, in locating said road, they shall proceed forthwith to Benton, the Seat of Justice of Marshall county, and view and mark the nearest and best route for a road from said town to intersect said State road at some convenient point.

SEC. 7. That all the duties required of the Commissioners and the County Court of Marshall county, in regard to said State road, shall apply with equal force to the road leading from Benton to intersect said road.

Approved, February 29, 1844.

CHAPTER 271.

AN ACT to add a part of the county of Harrison to Bracken county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundary line between the counties of Bracken and Harrison be, and the same is hereby changed, so as to include within the county of Bracken, the dwelling houses of Joseph Brumley, William Kirk, John Yates, James Bratton, Nelson Asberry, and Ebenezer K. Earley, who are now citizens of Harrison county.

SEC. 2. That the county line of Perry shall run so as to include the house of Hiram Begley in said county.

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SEC. 3. That the county line between the counties of Mercer and Boyle shall be, and the same is hereby so changed as to include the residence of John Ludwick in the county of Mercer.

Approved, February 29, 1844.

CHAPTER 272.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of five thousand dollars be, and the same is hereby appropriated for the erection of a suitable building for the Kentucky Institution for the Education of the Blind, which sum shall be paid out of any money in the Treasury not otherwise appropriated, subject to the order of the President and Visitors of said Institution: *Provided, however,* That this appropriation shall not be expended otherwise than in the completion of a convenient building for the present accommodation of the pupils of said Institution; and the Directors are hereby directed to contract for the erection and completion of said building, so that it shall not cost beyond the amount of means fully within their power at the time such contract shall be made.

Approved, February 29, 1844.

CHAPTER 275.

AN ACT authorizing Chancery Terms of certain Circuit Courts to be held, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Judge of the thirteenth Judicial District, to hold a term in the county of Nelson, commencing on the first Monday in June, in each year; and one in the county of Hardin, commencing on the third Monday in June, in each year, each of said terms to continue twelve juridical days, if necessary; at which terms indictments and presentments, chancery causes and chancery issues shall be tried and determined.

Chancery
terms in Nel-
son.

SEC. 2. That the Judge shall, at the regular terms, direct Jury. the Jury Commissioners to select jurors to attend at said terms, who shall be summoned by the Sheriff, and the Clerks of said courts shall issue any process which may be necessary to the trial of said causes, and any motion may be made or steps taken in chancery causes, allowed at the regular terms.

In Hardin.

SEC. 3. That, hereafter, the Fall term of the Nelson Circuit Court, shall commence on the last Monday in August, and continue eighteen juridical days, if the business shall require it.

Time of hold-
ing Fall term
in Nelson.

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Chancery term
to be held be-
tween Spring
and Fall terms.

Time of hold-
ing Muhlen-
burg Circuit
Court.

SEC. 4. That the Circuit Judges of this Commonwealth shall, in all cases where they shall fail to finish the chancery business of their respective courts, appoint a special chancery term, between the Spring and Fall terms, for the preparation and trial of all the untried chancery suits in their respective courts.

SEC. 5. That from and after the ensuing March term of the Muhlenburg Circuit Court, the terms of said court shall commence on the first Mondays in March and September, and may continue, at each term, if necessary, twelve juridical days.

Approved, February 29, 1844.

CHAPTER 276.

AN ACT authorizing the raising of Lock and Dam No. 5, upon the Kentucky river, under the direction of the Board of Internal Improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement are hereby authorized to cause or permit Lock and Dam No. 5, upon the Kentucky river, to be raised from one to two and one half feet, so as to extend the navigation of said stream: *Provided*, The same shall be done by means raised by individual subscription, and under the direction and control of said Board: *And provided further*, The raising the dam herein authorized, can, in the opinion of said Board, be done without detriment to the State, or to said dam or private individuals: *And provided further*, That the individuals, if any, who may be injured by the slack water from the elevation of the lock and dam aforesaid, are, in no event, to look to compensation from the State, by way of damages.

Approved, February 29, 1844.

CHAPTER 277.

AN ACT providing for the location of the County Seat of Owsley county.

Election to be
held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That for the purpose of permanently locating the County Seat of the county of Owsley, it shall be the duty of the County Court of said county, at their February or March term, to appoint three fit and suitable persons of said county, as Commissioners to superintend the election hereinafter provided for, whose duty it shall be, after their appointment, to take an oath before some Justice of the Peace for said county, faithfully to execute their duty, to the best of their ability; and that said Commissioners shall, after taking the oath required by this act, proceed to cause an election to be held in the month of April, 1844, to commence on the

first Thursday in said month, and continue for three days, under such rules and restrictions, and in such manner as elections are held in this Commonwealth for members of the Legislature: *Provided, however,* That no person shall be entitled to a vote who was not a permanent resident of said county at the passage of this act.

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SEC. 2. That said County Court shall designate two points in said county, to-wit: Elias Moore's, on the south fork of the Kentucky river, and Archibald Macguire's, at the three forks of said river, and shall cause public notice, twenty days before said election, to be fixed up at least three public places in said county, of the time of such election, and the places to be voted for; and at the place having the highest number of votes, it shall be the duty of the said County Court to locate the County Seat, and take the necessary steps to erect the public buildings, on such ground as they may purchase, or may be ceded to them for public purposes.

Places to be
voted for.

SEC. 3. That it shall be the duty of the said Commissioners, after they shall have accurately ascertained in favor of which of the aforesaid points a majority of the county have voted, to forward the record of the votes, with their certificate of the result thereof, to the County Court of said county, carefully sealed up, on their first County Court day succeeding the said election.

Votes to be
reported to
County Court.

SEC. 4. That said voting shall be holden at the house of N. J. Robertson.

Approved, February 29, 1844.

CHAPTER 282.

AN ACT to amend the Common School laws.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That on the first Saturday in April next, and on the same day in every year thereafter, the qualified voters in each School District in the several counties of this State, shall meet at their several school houses, or at some other place to be designated by any one of the School Commissioners, (where there is no school house,) and to elect three Trustees, to superintend said School District for one year, and until others are duly elected; and so much of the Common School laws as requires the election of five Trustees, is hereby repealed.

Time & mode
to elect Trustees.

SEC. 2. That the Trustees of each School District are hereby authorized to appoint a Collector for their district, (in addition to a Clerk,) whose duty it shall be to collect all sums subscribed or levied for the use of the school within his district; and the said Collector is hereby vested with full power to collect the same, by warrant or otherwise.

Duties of Col-
lectors.

SEC. 3. That in the event any School District shall fail to elect Trustees on the first Saturday in April, it shall be the case there has

Proceedings in
case there has

1844been no elec-
tion of Trus-
tees.The duties of
Trustees.

Duties of Clk.

Scholars how
admitted in
certain cases.Duties of Com-
missioners.Superintend-
ent to assist
the Commis-
sioners in or-
ganizing dis-
tricts.

duty of the Trustees in office, or any School Commissioner of the county, to call a meeting for that purpose, at any time thereafter, on giving ten days' notice previous thereto, according to law.

Sec. 4. The Trustees of each School District shall have power to select a Teacher or Teachers for the district, of which they are Trustees, to superintend and take care of the school house and its necessary furniture; to make repairs to the same, and take care of the lot of ground on which it stands, and its enclosures; also, to sue for and recover any damages which may be done to the premises; and no person shall occupy or use any school house, without the consent of the Trustees or a majority of them.

Sec. 5. That in all cases where reports may be made by the Trustees, or the School Commissioners of the county, to the Superintendent, and the same shall have miscarried or be not received by said Superintendent in due time, the said reports may be made at any time before the first of March ensuing.

Sec. 6. It shall be the duty of the Clerk of the Board of Trustees of each School District to ascertain the number of children in the district, between the ages of five and sixteen, and report the same with his annual report, to the School Commissioners of his county, having first taken an oath, before some Justice of the Peace, that the same is correct, according to the best information he can obtain; and for that purpose may administer an oath to the parents of any child, or either of them.

Sec. 7. That the Trustees of the several School Districts may admit, as scholars, any persons over sixteen and under twenty years of age, but said persons shall not be included in the enumeration of children within the district.

Sec. 8. It shall be the duty of the School Commissioners of each county to file a copy of the boundaries of each district in the County Court Clerk's office, and to forward one other copy to the Superintendent, as soon as their several counties are districted, which shall be open to the inspection of all persons interested therein.

Sec. 9. That when the Superintendent of Education shall, hereafter, visit any county in this State, it shall be his duty to aid the School Commissioners of such county in organizing its several School Districts; and for that purpose, he may remain in any county he may visit until he effects its organization, and he may require the School Commissioners to attend and perform their duty, in such manner as he may direct, so as to secure the entire organization of the county.

Approved, March 1, 1844.

CHAPTER 283.

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AN ACT to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the ratio for the ensuing four years, shall be twelve hundred and fifty one votes for each Representative, and the representation for that period shall be, and the same is hereby apportioned among the several counties of this Commonwealth, for the House of Representatives, in the following manner, to-wit: The county of Adair shall be entitled to one Representative; Allen one; Anderson one; Boyle one; Bracken one; Bullitt one; Bourbon two; Barren two; Breckinridge one; Boone one; Breathitt and Morgan one; Bath one; Ballard and McCracken one; Butler and Edmonson one; Campbell one; Caldwell one; Christian two; Clarke one; Carroll and Gallatin one; Casey one; Cumberland and Clinton one; Carter and Lawrence one; Crittenden one; Calloway and Marshall one; Clay, Letcher, and Perry one; Daviess one; Estill and Owsley one; Franklin one; Fayette two; Floyd, Pike, and Johnson one; Fleming two; Graves one; Greenup one; Grant one; Garrard one; Green two; Grayson one; Hopkins one; Hickman one, Henderson one; Hardin two; Hancock one; Henry one; Knox and Harlan one; Hart one; Harrison two; Jefferson two; Louisville City two; Jessamine one; Kenton one; Larue one; Laurel and Rockcastle one; Lincoln one; Lewis one; Logan two; Livingston one; Muhlenburg one; Madison two; Montgomery one; Mercer one; Marion one; Meade one; Monroe one; Mason two; Nicholas one; Nelson two; Owen one; Oldham one; Ohio one; Pulaski one; Pendleton one; Russell one; Simpson one; Shelby two; Scott one; Spencer one; Trimble one; Todd one; Trigg one; Union one; Woodford one; Wayne one; Warren one; Whitley one; Washington one.

House of Representatives.

SEC. 2. That for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, as follows, to-wit: The counties of Ballard, Hickman, and Graves shall compose the first Senatorial District; Union, Hopkins, and Crittenden the second; Christian and Todd the third; Logan and Simpson the fourth; Daviess and Henderson the fifth; Warren, Allen, and Edmonson the sixth; Barren and Monroe the seventh; Hart and Green the eighth; Clinton, Cumberland, Wayne, and Russell the ninth; Casey, Adair, and Boyle the tenth; Livingston, Caldwell, and McCracken the eleventh; Breckinridge, Grayson, and Hancock the twelfth; Ohio, Muhlenburg, and Butler the thirteenth; Hardin and Meade the fourteenth; Louisville City and Jefferson county the fifteenth; Trimble, Oldham, and Henry the sixteenth; Shelby and Franklin the seventeenth; Nelson and Larue the eighteenth; Marion and Washington the nineteenth; Mercer and Anderson the twentieth; Callo-

Senatorial
Districts.

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way Trigg, and Marshall the twenty first; Lincoln and Pulkaski the twenty second; Madison and Garrard the twenty third; Laurel, Whitley, Knox, and Rockcastle the twenty fourth; Gallatin, Carroll, and Boone the twenty fifth; Kenton and Campbell the twenty sixth; Bourbon and Scott the twenty seventh; Grant, Pendleton, and Owen the twenty eighth; Harrison and Bracken the twenty ninth; Spencer and Bullitt the thirtieth; Fayette the thirty first; Woodford and Jessamine the thirty second; Clarke and Montgomery the thirty third; Carter, Greenup, Lawrence, and Johnson the thirty fourth; Fleming and Lewis the thirty fifth; Mason and Nicholas the thirty sixth; Morgan, Floyd, Pike, and Bath the thirty seventh; Breathitt, Clay, Letcher, Perry, Harlan, Estill, and Owsley the thirty eighth.

Sheriffs where to meet.

SEC. 3. That in order to ascertain the state of the polls where two or more counties compose a Senatorial District, or two or more counties are attached to elect a Representative, the Sheriffs of such counties shall meet at the Court House of the county first named, to compare the polls, on the first Monday next after the commencement of the election; and after having ascertained, by faithful comparison and addition, the number of their respective polls, shall make return of the persons elected, in the manner prescribed by law: *Provided*, That when a writ of election may be issued by the Governor or either branch of the Legislature, an earlier day may be ordered in such writ, for comparing the polls, if it should be deemed expedient.

New counties how to vote.

SEC. 4. That if any new county should be established before the next enumeration and apportionment of representation, it shall be considered as a part or parts of the county from which it was taken, for the purpose of representation.

Approved, March 1, 1844.

CHAPTER 284.

AN ACT authorizing the exchange of State Bonds.

Bonds how exchanged.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Governor to issue the bonds of this Commonwealth, payable at any period not less than twenty years, nor more than thirty years, or, at the pleasure of the Commonwealth after fifteen years, and at an interest not exceeding six per centum per annum, payable in the City of New York, in exchange for any of the bonds of this Commonwealth issued to the American Life Insurance and Trust Company, and those issued prior to the first day of July, 1838, except the five per cent. bonds issued to the Northern Bank of Kentucky, as part of its capital stock, or for the bonds of the Lexington and Ohio Railroad Company, for the payment of which the State is the

guarantor: *Provided*, That no bond hereby authorized to be issued, shall be of a less denomination than one thousand dollars: *And provided also*, That the terms of exchange shall be equitable and just, and according to the discretion of the Governor; but in no event is the liability or indebtedness of the State to be increased in consequence of making the exchange hereby authorized: *Provided*, That the profits of said exchange shall be sufficient to defray the expense of preparing new bonds.

Sec. 2. It shall be the duty of the Secretary of State to keep a record, showing the number, date, payee, and amount of every bond which may be redeemed under the provisions of the first section of this act, and, also, the date, number and payee of every bond given in lieu thereof, and make report thereof during the first two weeks of each session of the General Assembly.

Proviso.

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Secretary to
keep a record.

Sec. 3. It shall, also, be the duty of the Secretary of State, in the presence of the Governor, Second Auditor and Treasurer, to count and destroy, by burning, from time to time, at least once in every six months, the bonds of the State which may be redeemed under the provisions of the first section of this act. That before such bonds shall be destroyed, a list thereof, described by dates, numbers, payees and amounts, shall be made in a well bound book, and signed by the Governor, Secretary of State, Second Auditor and Treasurer, and safely kept in the office of the Secretary of State. And it shall, also, be the duty of the Secretary of State to note the destruction of said bonds on the Executive Journal, describing the same as above directed.

Bonds to be
burned and re-
cord kept.

Sec. 4. And it shall also be the duty of the Governor, at the time of making any exchange of bonds hereby authorized, to cause the bonds so received, to be forthwith cancelled, and safely kept until they are destroyed by burning, as provided in the preceding section of this act.

Bonds to be
cancelled.

Sec. 5. That any profit which may accrue to the Commonwealth, in making the exchange authorized by this act, shall be paid into the Treasury, to the credit of the Sinking Fund.

Profits how
disposed of.

Sec. 6. *Be it further enacted*, That the expense of preparing new bonds, shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, The account for the same shall be first approved by the Governor.

Expenses how
paid.

Approved, March 1, 1844.

CHAPTER 287.

AN ACT to incorporate the Danville and Hustonville Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style and title of the "Danville and Hustonville

Style of corpo-
ration.

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Turnpike Road Company," for the purpose of forming and making an artificial road.

Amount of capital.

SEC. 2. Be it further enacted, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

Books for subscription to be opened.

SEC. 3. Be it further enacted, That books for the subscription of stock in said company, shall be opened on the second Monday in April next, or as soon thereafter as convenient, at the town of Danville, in Boyle county, under the direction of M. G. Youce, William Craig, J. M. McFeran, John Yeizer, J. F. Bell, S. F. Southern, A. Sneed, J. A. Fisher, A. Anderson, Thos. Reed and A. J. Caldwell; at Hustonville, in Lincoln county, under the direction of Jeremiah Fisher, Evan Shelby, Isaac Shelby, George Dunlap, Geo. Carpenter, Carroll Bailey, S. H. Slaughter, Geo. Miller, D. W. Jones and E. Yeizer, or some two or more of them at each place, who are appointed Commissioners. The said Commissioners for each place, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose name are hereunto subscribed, promise to pay to the President, Directors and Company of the Danville and Hustonville Turnpike Road Company, the sum of fifty dollars for every share of stock in said company, and agreeably to an act of the General Assembly of Kentucky, incorporating said company: Witness our hands this _____ day of _____, eighteen hundred and forty four." The said Commissioners, or a majority of them, shall give notice in one or more of the newspapers printed in Danville, of the time and places of opening the books for the subscription of stock in said company; and that they will continue open until the amount of capital stock shall be subscribed.

Commissioners to call a meeting and elect officers.

SEC. 4. Be it further enacted, That so soon as twenty thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said company shall, before he enters on the duties of his office, give

Officers to take an oath.

Treasurer to

bond, with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said company.

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be appointed,
and give bond.

Sec. 5. Be it further enacted, That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the "Danville and Hustonville Turnpike Road Company," and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

Corporate
powers.

Sec. 6. Be it further enacted, That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election, no share or shares shall confer a right of voting, which shall not have been helden three months previous to the election. The stockholders may vote in person or by written proxy, and no person who is not a resident of Boyle or Lincoln counties and a stockholder, shall be eligible as President, Director or Treasurer; and the President and Directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a President and Directors shall be helden annually, on the first Saturday in May, at such place as may be directed; at which time the President shall lay before the stockholders an expose of the situation of said company, also, the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

How stock-
holders may
vote.

Sec. 7. Be it further enacted, That the President and Directors first chosen, as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of said corporation, to each stockholder, for the stock subscribed by him and held; which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred, until all the calls and arrearages are paid thereon.

President &
Directors to be
elected annu-
ally.

Certificates
of stock to be
transferable.

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The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

President to call meetings. Sec. 8. *Be it further enacted,* That the President may call meetings of the Directors, at such times and places as he shall think proper; a majority of all the Directors shall constitute a quorum to transact business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President, and in absence of the President, the Directors shall elect one *pro tem*; they shall adjourn from time to time, as they may think proper. The Board of Directors may, also, allow the President and Treasurer such compensation as may be deemed reasonable.

President & Directors to fill vacancies. Sec. 9. *Be it further enacted,* That the President and Directors shall have power to fill vacancies in their body, occasioned by death, resignation or otherwise; to agree with and appoint all such Surveyors, Engineers, Superintendents, Artists, Officers, &c., as they shall deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments on their respective shares to carry on said work; to draw orders on the Treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter, and the by-laws of the corporation, they are authorized to do.

President to give notice of calls on stock. Sec. 10. *Be it further enacted,* That the President shall give notice, in one or more of the newspapers printed in Danville, for at least thirty days, of the amount of the call on each share of the stock, and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for every delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the President, by order of the Directors, after having ten days' public notice, may proceed to sell such forfeited shares: *Provided*, They will bring the amount due and unpaid upon said share or shares: *And provided, also*, That no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held, shall have been paid, agreeable to the requisitions of the President and Directors.

How to be graded. Sec. 11. *Be it further enacted,* That the said road shall be so leveled and graded, that, when completed, its greatest elevation shall not exceed four degrees. The width of the arti-

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ficial part of said road shall not be more than forty five, and the portion of it covered with metal or McAdamized stone, shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Sec. 12. *Be it further enacted,* That it shall be the duty of the President and Directors, or a majority of them, to fix the route over which said road shall pass, and, for that purpose, to employ all necessary Surveyors, Agents, Engineers, Artists, Chain Carriers, &c., at the costs of the company; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; to examine for quarries, beds of stone and other materials necessary for the completion and repairs of said road; and, having due regard to economy, they shall locate the road on as direct a line as the ground will admit of from Danville to Hustonville.

President &
Directors to
employ Engi-
neers, &c.

Sec. 13. *Be it further enacted,* That in case the corporation shall not be able to acquire the title to the lands over which the road shall be laid, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of said lands as may be necessary to its own use, for the purposes contemplated by its charter, on complying with the provisions of the seven following sections.

Sec. 14. The Directors shall present a petition to the resident Judge in the circuit where the land lies, setting forth the lands or materials wanted for the construction of their road, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such land will severally sustain by reason of the appropriation thereof by the corporation to its own use.

Sec. 15. On the presentation of such petition, the said Judge shall appoint a day for the hearing of the parties interested, and shall direct such notice as he shall deem reasonable to be given of the time and place of hearing. In case it shall appear that any of the owners of the said land are unknown, or feme covert, an infant, insane, or otherwise incompetent to take care of his, her, or their interest, it shall be the duty of the Judge to appoint some discreet and responsible person to act in the premises in his, her, or their behalf, to whom the corporation shall make reasonable compensation for such services, to be awarded by the Judge.

Sec. 16. At the time appointed for such hearing, the said Judge shall appoint three disinterested freeholders, residents of the county in which the land is situated, for the purpose of assessing such damages; and in the order for their appointment, shall direct as to what lands are to be appropriated by said corporation for the purpose aforesaid.

Judge to ap-
point assessors.

1844

Assessors to
be sworn.

SEC. 17. The said appraisers, after being sworn before some officer authorized to administer oaths, honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owners of the said land, by reason of the location of the road through the same, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such road or its appendages.

Appraisers to
report.

SEC. 18. The said appraisers shall make a report in writing, under their hands and seals, to the said Judge, within ten days from the receipt of their commission, reciting the order for their appointment, and specifying the parcel or parcels of lands described therein, with all necessary certainty, the names of the owners of the respective parcels, if known, and if not known, stating that fact, and specifying, also, the damages which the owners of said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessment, the Judge may, on the hearing of the parties interested, modify the assessment as shall appear just: *Provided, however,* That if, in the opinion of the Judge, justice will be better secured between the parties, (and not otherwise,) by extending the number of appraisers or jurors to twelve, in place of three, he is authorized to do so, who shall take proceedings the same as are specified in case the number were not extended. In case of a failure to find a verdict, by disagreement or otherwise, the Judge is authorized to order the proceedings anew, as though none had been previously taken.

On payment of
damages the
corporation to
be entitled to
the land, &c.

SEC. 19. *Be it further enacted,* That on payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the Judge, or on depositing the amount thereof for the use of such owners, in such place as the Judge shall direct, in writing, the corporation shall immediately become entitled to the use of said lands or other property, for the purposes aforesaid; and the report of said appraisers, with the order of the said Judge, modifying the same, in case the same shall have been modified, may be recorded in the office of the Clerk of the county where the lands or other property may lie, in the same manner and with the same effect as deeds are recorded; without any other proof than the certificate of the said Judge, that the report is genuine.

SEC. 20. *Be it further enacted,* That in case the Judge in the circuit where the land or other property may lie, is interested therein, or related to the party claiming title to the property wanted, it shall be lawful for the corporation to apply to a Judge in an adjoining district, who shall proceed in the settlement and adjustment of the matter in controversy, in the

same manner and with the same effect as though the land or other property wanted lay within his own Judicial District.

Sec. 21. So soon as any five miles of said road, continuously, shall be completed, three Justices of the Peace, in the county in which said five miles, or the major part thereof shall be located, who are not interested in the stock of said company, shall be called on to examine the work; and if they shall certify that said road is made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court of said county, and the President and Directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c. &c. In case such disinterested Justices cannot be found, the President and Directors may give notice thereof to the Circuit or County Court of said county, and on such notice being entered of record, the said court shall appoint three fit and discreet persons as Commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that the road, or any five miles of it, at any one part, is completed according to the provisions of this act, their report shall be recorded in said Circuit or County Court, and the Judge or court shall enter of record, how many gates the company may erect; whereupon, it shall be lawful for the company to erect a toll gate for every five miles of Turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, That no toll gate shall be erected within less than two-thirds of a mile of Danville or Hustonville.

Sec. 22. *Be it further enacted*, That when the said gate or gates shall be erected, as aforesaid, it shall and may be lawful for the President and Directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on, the toll and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulkey, chair, chaise, phæton, cart, wagon, or any other carriage of burden or pleasure, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, viz: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass, or other four footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn and the person or persons transported in it; for every four wheel pleasure carriage, fifteen cents, exclusive as above; for every cart, if empty, ten cents, and with a burden fifteen cents; for every four wheel wagon or other carriage of burden, whose wheels shall not exceed

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A toll gate to be erected when 5 miles of road is completed.

Toll gatherers to be appointed.

Rate of tolls.

1844

three inches in width, twenty five cents; for every such carriage of burden whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burden whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein, of the beasts by which they are drawn. The President and Directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed at each toll gate on the road.

**Printed lists
of the rates of
tolls to be put
up at each
gate.**

SEC. 23. Be it further enacted, That if any person liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any Turnpike or gate; or with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle or other thing on which toll should be paid, or with intent to lessen or evade the payment of any such toll or duty, shall practise any other fraud or device, or use force, such person so offending, shall, for every such offence, respectively forfeit and pay, over and above the tolls, to the President and Directors of said company, a sum not less than one dollar, nor more than five dollars, recoverable before a Justice of the Peace, in like manner as other debts of equal amount are in other cases.

SEC. 24. Be it further enacted, That if, at any time, the road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two Justices of the Peace, in the county through which the road passes, to go and inspect said road; and if, upon such examination, and receiving full proof that it had been out of repair ten days, the said Justices, by their order, delivered to the Treasurer of said company, or in his absence, to the President or nearest toll gatherer, direct that no toll or duty shall be received at the gate or gates, over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the road being repaired, the President and Directors shall call a Justice of the Peace, who shall cause to be summoned, five disinterested freeholders, to examine the road, under oath; and if they shall be of opinion that the road is in proper repair, they shall certify to that effect under their hands and seals, and the Magistrate shall thereupon direct that the usual toll be demanded and taken at the gate or gates which had been thrown open agreeably to the provisions of this act.

**Toll gatherer
finable for
charging more
than is allowed
by law.**

SEC. 25. Be it further enacted, That if any toll gatherer or other, shall demand, take or receive, from any one using said road, a greater amount of toll than is provided for in this act, or shall take or receive toll when the road is declared to be out of repair, the person so offending shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any Justice of the Peace, as other debts of a like amount.

SEC. 26. Be it further enacted, That the President and Directors shall keep a fair account of all the receipts and expenditures of the company, which shall, at all times, be open to the inspection of any stockholder, and be laid before the shareholders, at their general meetings; they shall, at the end of every six months, after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders. The dividends shall be declared on the first of May and November, in each year, unless otherwise ordered by the by-laws: *Provided, however;* That if the net proceeds of the toll, at the rates herein allowed, shall not produce a dividend of net profits of *six per cent. per annum*, on the cost of said road, the same may be increased so as to produce *six per cent. per annum*; and if the said rates shall be found in any year to produce more than *twelve per cent. per annum*, they shall be reduced so that they will not exceed *twelve per cent. per annum*.

1844
Dividends to
be declared.

SEC. 27. The President and Directors shall take bonds, with good security, from the gate keepers, and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the President, Directors and Company, as aforesaid.

Gate keepers,
&c. to execute
bonds.

SEC. 28. Be it further enacted, That if any person shall wilfully break, deface, pull down, or destroy any mile stone, or other post, which the company may erect or set up on the side of said road; or shall break or tear down any sign board, or obliterate any letters or figures thereon; or tear down or obliterate the rates of toll, set up on or near any Turnpike gate, such person, so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar, nor more than ten, according to the value of the article injured, to be sued for and recovered, as other sums are, before any Justice of the Peace of the county.

Persons finable
for tearing
down sign
boards, &c.

SEC. 29. Be it further enacted, That if any person shall belt or deaden timber, and leave it standing to rot or decay, within one hundred and fifty feet of said road, so that the lives of passengers along the road may, at any time, be endangered thereby, such person, so offending, shall forfeit and pay the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road, are hereby required to cause to be cut down, all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

Persons finable
for deadening
timber within
150feet of said
road.

SEC. 30. Be it further enacted, That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side, free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slower draught, when they may pass on either side the slow

All wheel car-
riages to pass
on the right
hand side.

1844

carriage, leaving sufficient space; and every carter, wagoner or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured, for all damages sustained, and a fine of five dollars, to be recovered before any Justice of the Peace, as aforesaid.

Sec. 31. Be it further enacted, That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have commenced within the time specified.

President and
Directors to
purchase site
for toll gate.

Sec. 32. When any five miles of said road shall be completed, the President, Directors and Company, may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act; and if they cannot agree for such land at their respective gates, with the owner or owners thereof, they are authorized to possess themselves thereof, by application to the Judge in the district where the land lies, and proceeding as directed for the location of the road: *Provided, however,* That in the selection and appropriation of land under this section, the said President, Directors and Company, shall not include the dwelling house, out houses or gardens of any persons, without their consent; and shall not so locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate, to which they would have had access, if such location had not been made.

Certain per-
sons to be ex-
empt from pay-
ing tolls.

Sec. 33. Be it further enacted, That nothing in this act contained, shall be so construed as to impose toll fees upon the owners of lands through which the said road shall pass, their horses, cattle or servants passing on said road from one part of their farm to another; or to impose toll fees upon *venire* men and grand jurors of the same county, passing to and from the court to which they are summoned; or persons passing to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county, while going to and returning from the general elections in said county; nor upon militia, on days of muster, or attending Courts of Assessment, in pursuance of their duty; nor upon persons going to or returning from public worship on the Sabbath; nor upon persons passing to and from mill with grain; but all such persons shall, with their horses and vehicles, pass free of toll.

President and
Directors to fix
the rate of tolls
of families.

Sec. 34. The President and Directors shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates, such as to a neighboring town: and instead thereof, may charge a reasonable annual toll or compensation for such persons and their families, who may be then allowed to pass whenever they think proper.

The Treasurer shall keep an account of all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

SEC. 35. Be it further enacted, That if the construction of the road, provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges and immunities hereby granted, shall be void to all intents and purposes.

1844

Treasurer to
keep an ac-
count of all
persons ma-
king those an-
nual contracts.

Approved, March 1, 1844.

CHAPTER 297.

AN ACT to amend the law regulating the duty of County Treasurer of the county of Clarke.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act passed on the 15th of February, 1842, as an amendment to the act passed at the session of 1838 and '39, (authorizing the County Court of Clarke to appoint a County Treasurer for said county,) that requires the Sheriff of said county to return his delinquent list of county levies, at the August County Court of said county, be repealed, and that said Sheriff return his said delinquent list on the 4th Monday of October, in each year, in the same manner as required of the Sheriff under the amendment passed on the 15th day of February, 1842.

Approved, March 1, 1844.

CHAPTER 298.

AN ACT to authorize the County Courts of Daviess and Logan to change the State roads in said counties, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Courts of Daviess and Logan counties, be, and they are hereby authorized to change any part of the State roads running through said counties, if they shall deem it expedient, a majority of all the Justices of the Peace being present and concurring therein.

Sec. 2. Be it further enacted, That the County Court of Harrison county, be, and they are hereby authorized to permit William Y. Robinson to change that part of the State road leading from Leesburg to Williamstown, which passes through his farm, under the rules and regulations prescribed for the change of county roads.

Approved, March 1, 1844.

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CHAPTER 299.

AN ACT to change the Owsley county line, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Owsley county line, from a point on the dividing ridge between the South and Middle fork of the Kentucky river, by which a straight line from said point to the middle of Snag Shoal in the North fork of the Kentucky river, including Archibald Crawford's dwelling house, kitchen, barn and out houses, in Owsley county, be, and the same is hereby changed, so as to include the said Archibald Crawford, his dwelling house, kitchen, barn and all his out houses, in Breathitt county.

Sec. 2. That the boundary line between the counties of Floyd and Johnson, be, and the same is hereby established, as follows, viz: beginning at a point where the Johnson line divides the waters of Rockcastle and Wolf creeks, thence running to the mouth of Beach branch, on Wolf creek; and that so much of the act establishing the county of Johnson, which appoints William Cecil, of Pike county, as Commissioner to run and define the boundary lines of Johnson county, be, and the same is hereby repealed, and that the County Surveyor of Johnson county, be, and he is hereby empowered and required to run and mark said boundary lines.

Sec. 3. *Be it further enacted,* That for the purpose of running and settling, permanently, the division line between the counties of Knox and Whitley, Samuel McHargue, of the county of Laurel, is hereby appointed to run and mark said division line: beginning at the head of the most westwardly fork of Poplar creek; thence, as he may understand the true course of the line establishing the county of Whitley, to the dividing waters between Meadow creek and Flat creek. He shall employ the necessary assistants, and he shall report the same to the County Court of Whitley, which shall be entered of record; and the line thus reported, shall be the dividing line between the two counties. It shall be the duty of said court to make reasonable compensation to said Surveyor and assistants, at their succeeding Court of Claims.

Sec. 4. *Be it further enacted,* That the County Surveyor of Clay county, be, and he is hereby authorized to make, complete, and finish, all surveys upon entries for land which was made in his office previous to the first of January, 1843.

Sec. 5. *Be it further enacted,* That the Surveyor of Estill and Clay counties, shall run and mark the dividing line between Clay and Owsley counties, and make report to the Owsley County Court; and said court shall make the necessary compensation for the performance of said services.

Sec. 6. *Be it further enacted,* That the place of voting in an election precinct in Owen county, be changed from the house of Reuben Crouch, to the store house of J. Garvy, in said county.

Line between Clay and Estill to be run, and by whom.

Place of voting in election precinct in Owen county changed.

Owsley line changed.

Line between Floyd & Johnson established.

Part of the act establishing Johnson, repealed.

Line between Knox & Whitley to be run, and by whom.

Surveyor of Clay to complete surveys.

SEC. 7. Be it further enacted, That the place of voting in the Clayville election precinct, in Shelby county, be changed from the house of Isaac N. Guthrie, to the office of Charles Beard.

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Approved, March 1, 1844.

CHAPTER 305.

AN ACT authorizing an alteration in the State road from New Liberty to Marion, on the Kentucky river, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Owen county, a majority of the Justices concurring therein, shall have power and authority to cause such changes or alterations to be made in the State road leading from New Liberty to Marion, on the Kentucky river, in said county, as to them may seem proper, under the same rules and regulations that changes and alterations are made in county roads: *Provided*, That in no event shall the distance of said road, by the proposed change, be increased, or placed on worse ground than that on which it is now located.

Approved, March 2, 1844.

CHAPTER 306.

AN ACT to legalize the proceedings of the Hopkins County Court, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the County Court of Hopkins, at the March term, 1843, of said court, be, and the same are hereby legalized.

Proceedings of
Hopkins County
Court legalized.

SEC. 2. Be it further enacted, That it may be lawful, hereafter, for the Justices of the county aforesaid, to hold a court on the second Mondays of each and every month in the year, except in the month of November.

Terms fixed.

SEC. 3. That there shall, hereafter, in each and every year, be a chancery term of the Madison Circuit Court, to continue for six juridical days, commencing on the first Monday in December.

Chancery term
in Madison.

SEC. 4. That the Judge of the fourteenth Judicial District shall hold a chancery term in all those counties in his district where the business may require it.

Chancery
terms in 14th
Judicial
District.

SEC. 5. That it shall be the duty of the Judge of the eighteenth Judicial District to hold a term of the Hart Circuit Court, for the trial of criminal and chancery causes, on the first Monday in July in each and every year hereafter.

Chancery term
in Hart.

SEC. 6. That the County Court of Hart county shall, hereafter, be held in the months in which no Circuit Court is held.

Hart County
Court.

1844

Chancery term
in Barren.Chancery term
in Kenton.Chancery term
in Green.

Preamble.

Sec. 7. That the Judge of the eighteenth Judicial District shall hold a special term for the trial of chancery and criminal causes, of the Barren Circuit Court, commencing on the third Monday in June, in each year, and continue six juridical days, if the business shall require it.

Sec. 8. That the Judge of the Kenton Circuit Court be, and he is hereby required to hold a special term of said court, on the third Monday in July, in each and every year, for the trial of chancery and criminal causes, subject to the laws and rules now in force regulating the regular terms of said Circuit Court, and shall continue ten juridical days, if the business shall require it.

Sec. 9. *Be it further enacted,* That the Judge of the Green Circuit Court be, and he is hereby required to hold a special term of said court, on the second Monday in August, in every year, for the trial of chancery and criminal causes, and shall continue ten juridical days, if the business shall require it.

Approved, March 2, 1844.

CHAPTER 308.

AN ACT to release to Ohio county the interest of the State in the Hartford Bridge Company.

WHEREAS, by an act, approved February 7, 1834, entitled, "an act to amend an act, entitled, an act for incorporating the Hartford Bridge Company, approved December 5, 1823," the Governor of this Commonwealth was required to subscribe two hundred and fifty shares of stock in said company, and by said act, it was provided that said company shall pay to the Commonwealth, at the rate of six per centum dividend on the stock she subscribed, for the period of three years after the completion of the bridge across Rough creek, at the town of Hartford; and from that time, that all the profit of the stock subscribed by the Commonwealth, should be applied by the President and Managers of said company, to the improvement of that part of the State road leading from Owensboro' to Bowlinggreen, which lies in Ohio county: and whereas, it is represented to this General Assembly, that the citizens of Ohio county, took stock in said company equal to the amount of stock subscribed by the State; that the whole amount of the stock of said company has been expended in the erection of abutments for said bridge, and no further subscription of stock can be had for the purpose of completing said bridge, and the work already done is greatly injuring, and is wholly useless, and a dead loss to the stockholders, in its present condition: and whereas, it is further represented, that the County Court of Ohio county are willing to raise a sufficient sum of money for the completion of said bridge, and subscribe the same as additional stock to said company, and apply the profits which may be made on their stock to the object contempla-

ted by said before mentioned act, and the improvement of the other roads in said county, provided this Commonwealth will release and assign to said County Court the stock now owned by this Commonwealth in said Hartford Bridge Company—therefore,

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purposes mentioned in the preamble to this act, and for no other, that the two hundred and fifty shares of stock owned by the Commonwealth in the Hartford Bridge Company, be, and the same is hereby released to, and vested in, the County Court of Ohio county; and said County Court shall have power to levy on the tythables of said county, for the purpose of completing said bridge, sufficient taxes, which shall not, however, in any one year, exceed the sum of twenty five cents on each tythe. Said County Court shall also have power, if they deem it expedient, to pledge the profits of said stock for a period not exceeding six years, for the purpose of raising the necessary means for the completion of said bridge.

SEC. 2. That the capital stock of said company shall be increased to an amount sufficient to complete said bridge, and the sum paid by the County Court of Ohio county, for the completion of said bridge, shall be considered as so much stock in said company.

SEC. 3. That the County Court of Ohio county may appoint an equal number of directors, with those to be appointed by the private stockholders in said company, for the control and management of the business of said company, under the provisions of the charter, to which this act is an amendment.

SEC. 4. That so much of the act before recited, which conflicts with the provisions of this act, are hereby repealed.

SEC. 5. That the said County Court shall have power to apply the profits of said stock, so owned by them, to the improvement of any of the State roads leading through said county, so far as the same lies within said county; and said bridge shall be free of toll to all the inhabitants living on the north side of Rough creek, and within said county, on days on which battalion and regimental musters may be held at Hartford; on which the Circuit and County Courts of said county may sit, and on which general elections may be held.

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Stock in, re-
leased to Ohio
County Court:
tax may be levied
to complete bridge.

Capital stock
increased.

Directors to be
appointed.

Repealing
clause.

Profits of stock
to be applied to
improve roads.

Approved, March 2, 1844.

1844

CHAPTER 309.

AN ACT to amend the laws regulating the management of the Wilderness road and Madison fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, foot passengers shall pass free of toll at the Cumberland Turnpike gate, the Crab Orchard gate, and the gate on the Madison fork. That persons who reside in Rockcastle, and the citizens of Madison east of the foot of the Big Hill, at Merit Jones', shall pass the gate on the Madison fork, free of toll, with single horse; also, horses packed with salt, and likewise, wagons or carts and teams, hauling corn, fodder, hay, or oats, for market on said road, shall pass free of toll.

Act regulating
tolls at gates
revived.

SEC. 2. *Be it further enacted,* That the laws regulating the collection of tolls at the Turnpike gates at Cumberland Ford, and Crab Orchard fork, as established by the act incorporating the Crab Orchard and Cumberland road, be, and the same is hereby revived and declared in full force.

Persons who do
not reside on
road not re-
quired to work.

SEC. 3. That no person shall be required to work on the Wilderness Turnpike, or the Madison fork, who do not reside upon said roads, and they shall be required to work on said roads two days in each year, and be exempt from working on other public roads.

Repealing
clause.

SEC. 4. That all laws within the purview of this act be, and the same are hereby repealed.

Oakland
Turnpike: cor-
porators names
and corporate
powers.

SEC. 5. *Be it further enacted,* That George W. Weissinger, Joseph Metcalfe, James W. Thornberry, William Kaye, James Maloney, Newton Bray, and Hampden Zane, and their associates, shall be, and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a Turnpike road from the City of Louisville, to intersect the Louisville and Elizabethtown Turnpike road, at or near the Stone Meeting House, by the name and style of the Oakland Turnpike Company; and by that name and style, shall have power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of law or equity, and elsewhere, and to have and use a common seal, and the same to alter and renew at pleasure; and to make all by-laws that shall be deemed proper for the purpose of governing the affairs of the company, and regulating the conduct and business of its officers and agents, not however, inconsistent with the laws and constitution of the State.

May make by-
laws.

President and
Directors to
manage affairs,
how elected.

SEC. 6. The management of the affairs and prudential concerns of the Oakland Turnpike Company, shall be under the control and direction of a President and four Managers, who shall be stockholders, and chosen by the share holders, at such time and place as they shall direct by their by-laws, and each share of stock shall entitle the holder to one vote; the form of the certificates of stock and the manner of issuing and

transferring them, shall be regulated by the by-laws of the company, and the shares shall be personal estate.

Sec. 7. The capital stock shall be as many shares of fifty dollars each, as will make said road, not exceeding the sum of thirty thousand dollars in all.

Sec. 8. The persons named in this act, or any three of them, shall have power and authority to open books for the subscription of stock, and when the sum of eight thousand dollars shall have been subscribed, they shall hold an election, after giving ten days' notice in one or more of the newspapers published in Louisville, for a President, Treasurer, and four Managers, who shall hold their offices for one year, and until others are chosen.

Sec. 9. Said President and Managers, upon subscription of the above mentioned sum, shall proceed to the construction of so much of said road as the sum subscribed will enable them, and so much of the same as may be necessary to complete the road to the Oakland Course, commencing at the intersection of Prather street with Seventh street, shall be thus expended; the balance shall be expended in grubbing and grading said road, in the direction of the contemplated point of intersection with the Louisville and Elizabethtown Turnpike road.

Sec. 10. As soon as the company shall have been organized as practicable, the President and Managers shall proceed to locate and determine the route for said road, by appointing a committee of three of the stockholders, and a competent Engineer, who are not interested in any land through which said road is to pass, whose duty it shall be to examine the ground and ascertain the best route for said road, and make report thereof to the President and Managers.

Sec. 11. The President and Managers of said company shall have the right to acquire and hold the route of said road, not exceeding sixty feet in width, and a lot for a toll house, not exceeding two acres, and shall grade at least thirty feet in width, and McAdamize not less than sixteen feet of the same.

Sec. 12. That said company shall have the right to erect a gate and toll house between the City of Louisville and the Oakland House, and charge for and demand tolls for passing the same, when completed to that point; they shall have the right to fix a rate of tolls which will not exceed twelve per cent. per annum upon the amount expended in the construction of said road; but no dividend shall be declared and paid over to the stockholders, until the whole road is finished, but the same, from time to time, shall be applied for the purpose of finishing the same; and as each investment is made in the construction of the road, the tolls may be increased so as to net not more than twelve per cent. until the whole road is finished, after which the rate of tolls shall not exceed six per cent. on the whole amount expended, after paying all repairs and other expenses.

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Capital stock.

Books to be opened; and meeting to be called.

Road to Oak-land to be first completed.

Route to be located, and by whom.

Width of road.

May erect gate and fix rate of toll.

No dividends to be declared until whole road is completed.

LAWS OF KENTUCKY.

1844

Powers, &c. of
Louisville and
Elizabethtown
Turnpike com-
pany vested in
this company.

SEC. 13. The President and Managers of the Oakland Turnpike Company, shall be vested with all the powers, authorities, immunities, tolls, privileges and advantages, in all and every respect, so far as they shall be applicable, that are now vested, by law, in the Louisville and Elizabethtown Turnpike Company, subject to the like limitations and restrictions, as if they were herein embodied and repeated, except so far as they are modified or otherwise provided for by this act; and all acts in regard to the Oakland Turnpike Road Company which come within the purview of this act, are hereby repealed.

Approved, March 2, 1844.

CHAPTER 310.

AN ACT authorizing the Secretary of State to furnish books to the officers of Letcher, Johnson, Crittenden, Ballard, Marshall and Owsley counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State purchase, and cause to be transmitted to the counties of Letcher, Johnson, Crittenden, Ballard, Marshall and Owsley, so many of the Session Acts passed since the publication of Morehead & Brown's Digest, as the several officers in those counties are entitled by the existing laws. But if the session acts cannot be procured, said Secretary is hereby authorized and required to purchase as many copies of Loughborough's Digest, as will furnish one copy to each of the Clerks of the Circuit and County Courts of said counties, and one copy to each Justice of the Peace in said counties; the cost of which to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 2, 1844.

CHAPTER 312.

AN ACT to reduce the number of Justices and Constables in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall not be lawful for any other Magistrate or Constable to be appointed in the county of Graves, until the number shall be reduced to fifteen: all laws coming within the purview of this act, shall be, and the same are hereby repealed.

Approved, March 2, 1844.

CHAPTER 313.

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AN ACT to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843.

WHEREAS, the State's portion of the indebtedness to Contractors, for work and labor done on works of Internal Improvement, so far as can be ascertained, is between one hundred and fifty and one hundred and sixty thousand dollars: and whereas, the State is bound, in order to preserve her faith and credit, to provide the means of liquidating and paying off this indebtedness: and whereas, nearly, if not quite the whole of the one hundred and forty thousand dollars, appropriated by the act of the last General Assembly, remain to be sold, and that the further sum of twenty thousand dollars of the bonds of the State must be authorized to be sold for the purposes aforesaid:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, to enable the Board of Internal Improvement to pay the indebtedness aforesaid, a sum not exceeding one hundred and sixty thousand dollars, inclusive of former unexpended appropriations, be, and the same is hereby appropriated, to be applied by the Board of Internal Improvement, exclusively in paying off and discharging the State's portion of the indebtedness for work and labor already done by Contractors on the public works, as before set forth.

Sum appropriated to pay debts due to.

Sec. 2. Be it further enacted, That to provide the means to meet the foregoing appropriations, the Governor of this Commonwealth, be, and he is hereby authorized to sell the bonds or scrip of the State, in sums of not less than one thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value, in Kentucky currency.

Bonds or scrip to be issued & sold.

Sec. 3. Be it further enacted, That should any Contractor on any of the public works in this Commonwealth, by a writing under his hand and seal, directed to the Board of Internal Improvement, elect to accept as payment or part payment of his dues from the Commonwealth, any of the bonds or scrip of the State, at its cash value within the State, not below par, authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place said bonds in the Treasury, and upon the requisition of the Board of Internal Improvement and warrant of the Auditor in favor of such Contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said Contractor, and charged to said Board as so much money, and the same shall be considered as constituting a legal sale of said bonds to said Contractor: *Provided*, That the Contractors who may receive payment of the State's part of their claims, under the provisions of this act, shall first execute a written release, discharging the State's stock, and the dividends therein in any road company from all liability for the remainder of their claims;

Bonds may be paid to Contractors, if they elect to receive, and how.

Written release to be given for State's proportion.

1844

and the Treasurers of the Turnpike roads in this State, shall thereafter, pay into the Treasury, the full amount of the State's dividends therein; and the dividends on private stock shall be appropriated to the payment of the remainder of the Contractors' claims.

Bonds not to
be sold beyond
means of Sinking
Fund.

Sec. 4. Be it further enacted, That it shall not be lawful for the Governor to sell any amount of bonds authorized to be sold by this act, beyond the means of the Sinking Fund to meet the interest thereon.

Approved, March 2, 1844.

CHAPTER 317.

AN ACT to repeal the second section of an act, entitled, an act to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act, entitled, an act to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county, approved, January 27, 1843, be, and the same is hereby repealed.

Approved, March 2, 1844.

CHAPTER 320.

AN ACT to amend the law regulating the duties of the Clerk of the Court of Appeals, and for other purposes.

14th section of
act of 1796 re-
pealed.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the fourteenth section of the act of Assembly passed on the 19th day of December, 1796, and of all other acts as require the Clerk of the Court of Appeals to docket causes for trial in said court, in the order that he may receive them, that they may be heard in the same course, shall be, and the same are hereby repealed: *Provided,* That it shall be the duty of said Clerk to docket the causes in said court, so that all causes shall stand for trial at the same term of the court, as if this act had not passed.

Proviso.
Causes how
docketed.

Time to Clerks
to list fee bills.

Duty of col-
lecting officer.

Fee bills may
be sent to other
counties.

Sec. 2. That the Clerk of the Court of Appeals and the Clerks of the Circuit and County Courts, shall have two years after the expiration of the year in which the services were rendered by said Clerks, to list their fee bills with the Sheriff or any Constable of any county in this State, and the Sheriff or Constable in whose hands the fee bills shall be placed, shall have the same authority to distrain for them, as is now authorized by law.

Sec. 3. That where any person for whom services were rendered by the Clerks of either of the courts aforesaid, shall reside out of the county where the services were rendered, and shall not have estate therein, sufficient to satisfy the fees due the Clerk, he may send his fee bill or bills to the county in

which such person may reside or have estate; and the Sheriff or any Constable of the county shall receive and receipt for such fee bills, and account for the same in the same manner they are required to collect and account for the fees of the Clerks of the county in which such Sheriff or Constable resides; and upon their refusing to receive and receipt for fee bills, as aforesaid, they shall be liable for the amount thereof, to be recovered on motion, in the Circuit Court of the county where the Sheriff or Constable may reside, on ten days' notice.

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Sheriff, &c. to receive & receipt for fee bills.

Their duty, &c.

Approved, March 2, 1844.

CHAPTER 322.

AN ACT to change the terms of the Logan and Allen Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Logan Circuit Court shall commence on the second Monday in May and November, of each year, and continue twelve juridical days, if the business require it; and that the Allen Circuit Court shall commence on the first Monday in April and October, of each year, and continue twelve juridical days, if the business require it.

Approved, March 2, 1844.

CHAPTER 323.

AN ACT repealing in part, and amending an act, entitled, an act regulating the time of holding Justices' Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the seventh section of an act, entitled, an act regulating the time of holding Justices' Courts, approved, March 10, 1843, as requires the several Justices of this Commonwealth to docket every warrant in the order and time in which the same may be issued, be, and the same is hereby repealed, and said Justices are required to docket all warrants returned before them, in the order and time in which they are returned; and all process in civil cases, executed upon any defendant or defendants, shall be returned in their respective districts, except by consent of parties; and all cases shall stand for trial as directed in the act aforesaid.

Approved, March 2, 1844.

CHAPTER 325.

AN ACT to change the terms of certain Circuit Courts in the 17th Judicial District, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Anderson Circuit Court shall hereafter commence on the first Mondays of April and

Anderson court, when held.

1844 October, in each year, and continue twelve juridical days at each term, if the business of said court shall require it.

Franklin. SEC. 2. The Franklin Circuit Court shall hereafter commence on the third Mondays of April and October, in each year, and continue eighteen juridical days at each term, if the business of said court shall require it.

Process returnable. SEC. 3. That all process heretofore issued, or which may hereafter issue, returnable to any term of said courts, as now existing, shall be considered as returnable to the next terms, respectively, of said courts, as now provided for by law.

Justices of Union to hold County Courts except in Oct. SEC. 4. *Be it further enacted,* That the Justices of the Peace of Union county shall hold a County Court for said county, on the third Mondays in each month, except the month of October, and that said County Court be, and they are hereby authorized to lay the county levy at the April or May term of said court, in each year.

Approved, March 2, 1844.

CHAPTER 326.

AN ACT to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county, at their September term, 1843.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the official acts of James Farmer, performed by him from the beginning of May, in the year 1843, until the first of October in the same year, are hereby legalized, and the proceedings of the County Court of Harlan county, had at their September term, in the year aforesaid, so far as the same relates to the renewal and execution of the bond of the said Surveyor, are hereby declared legal and valid.

Approved, March 2, 1844.

CHAPTER 327.

AN ACT authorizing the appointment of Commissioners of Tax at the March County Courts, and prescribing the duties of Commissioners in certain cases.

Clerk to fix day to hold County Court. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any County Court in this Commonwealth should have failed to appoint Commissioners of Tax in their respective counties, on or before the month of March, in each year, and there should be no County Court in such county or counties, then, and in that event, it shall be the duty of the County Court Clerk of any such county, to fix a day as early in March 1844, (and every month of March thereafter,) as may be convenient, for a County Court to be held in such county, a notice of which shall be given to all the Justices of such county, whose duty it shall be to attend and hold a court for the purpose of appointing a Commissioner of

Notice to be given.

Commissioners of Tax, who shall proceed, forthwith, to take in the list of taxable property of said county, and be governed by the same laws, and be liable to the same penalties, as are now imposed by law upon Commissioners of Tax for any failure of duty.

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Sec. 2. Be it further enacted, That should any person or persons in this Commonwealth, refuse to list his, her, or their property, when called on for that purpose by any Commissioner of Tax, or refuse to render an account of such property as may be liable to taxation under the equalization law, or refuse to comply with any of the laws now in force in relation to the listing of property for taxation, it shall be the duty of the Commissioner of Tax, to report a list of all such persons to the County Court, and it shall be the duty of the County Court Clerk to report such list of persons to the first Circuit Court of his county, to be proceeded against by motion, in the name and on behalf of the Commonwealth, in said court; and each person shall be fined one hundred dollars, and be triple taxed, together with the costs of motion; and it shall be the duty of the Circuit Judge and Commonwealth's Attorney to attend to all such motions at the commencement of each court.

Penalty for refusing to list property.

How recover-ed.

Sec. 3. Be it further enacted, That it shall be the duty of the Circuit Court Clerk to forward to the Second Auditor, a list of all such judgments, which shall be chargeable to the Sheriff of such county; and it shall also be the duty of the said Circuit Court Clerk to issue an execution on any judgment that may be rendered under this act, and place the same in the hands of the Sheriff, who shall collect and account for the same in the same manner and at the same time he is to account for the revenue tax.

Duty of Cir-cuit Court Clk.

Sec. 4. Be it further enacted, That should the County Court of any county in this Commonwealth fail, from any cause, to appoint a Commissioner or Commissioners of Tax for their respective counties, on or before the first day of April, in any year, it shall, in that event, be the duty of the County Court Clerk, forthwith to lay off such county into a convenient number of districts, if it should be proper and right to have more than one Commissioner for said county; and it shall be the duty of said clerk, forthwith to notify the Governor of this Commonwealth of the fact, stating and describing the number of districts in said county, if it should compose more than one district, and the Governor shall be authorized, and is hereby requested, so soon as practicable, to appoint a Commissioner or Commissioners for said county or counties; and any Commissioner or Commissioners, appointed by the Governor, as herein provided for, shall be governed by the same laws, and be liable to the same penalties, as are now imposed by law upon Commissioners of Tax for any failure of duty; and any Commissioner so appointed, before entering upon the duties, shall execute bond, and take the

Should County Court fail, duty of clerk to district county and inform the Governor.

Districts to be described, the Governor to appoint.

Commissioners how governed.

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proper oath, before the County Court Clerk of said county, as now required by law.

Sec. 5. Be it further enacted, That where any County Court shall have been holden on the first Monday in March, 1844, and shall have failed to appoint Commissioners, in that event, the clerk shall summon the Justices to meet as soon as practicable, and make an appointment of Commissioners for 1844.

Sec. 6. Be it further enacted, That all appointments of Commissioners of Tax, by the County Courts for the year 1844, during the suspension of the laws authorizing the appointment of Commissioners of Tax, be, and the same are hereby declared as valid and binding, to all intents and purposes, as though no suspension had been made.

Approved, March 2, 1844.

CHAPTER 328.

AN ACT to regulate the management of the Wilderness road, and for other purposes.

Commissioner appointed.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William H. H. Wilson of the county of Rockcastle, be, and is hereby appointed Commissioner of the Turnpike Wilderness road, for the purposes hereinafter mentioned. He shall have full power and authority to close and settle the affairs of the late Turnpike corporation, from Crab Orchard, in Lincoln county, to the Cumberland Gap, in Knox county; and for that purpose it shall be the duty of the late President and Directors, and the Clerk of said Board, to permit the said Wilson to have free access, and to inspect the records and proceedings of said Board. He shall settle with the Treasurer of said Board, whose duty it shall be to exhibit to said Wilson, a full, true, and complete statement of the moneys received by him, and to whom disbursed. It shall, also, be the duty of the gate keepers on said road, to settle with said Wilson for all moneys received, and to whom disbursed, from the date of the last settlement with the Board, until the repeal of the charter of said corporation. He shall make settlements with all persons having claims against the late corporation, and prosecute by suit, if necessary, in his own name, all suits that said corporation may of right have done.

Any settlements he may make, where there is a balance against the said corporation, he shall report to the county Court of Laurel, which, if confirmed by said court, shall be ordered to be recorded; the same shall be ordered to be paid out of the funds of the gates to which the claim is properly chargeable. It shall be his duty to prosecute any suits now pending in the name of the corporation; and said suits shall progress and be prosecuted in the name of the plaintiffs, as they now stand.

All moneys that he may receive from any source, as Commissioner aforesaid, he shall, from time to time, pay over to the

Commissioner to settle with the Treasurer.

Commissioner to prosecute suits if necessary.

Settlement to be reported to County Court of Laurel.

Commissioner to pay over all money receiv.

Clerk of the County Court of Laurel, to be distributed by said court to the gate keepers on said road, in proportion as the same may belong. It shall be the duty of said Wilson to take charge of the said road, and cause repairs to be made that are indispensable to the public travel, until Overseers are appointed, as hereinafter mentioned; and the repairs on said road shall be paid out of the respective gates on the same: *Provided*, He shall not take charge of any part of said road, where the same has been let to Contractors, and the time not expired. He shall, from time to time, at least three times in each year, report to the County Court of Laurel, upon oath, all his actions and doings in the premises, and the same being confirmed, shall be recorded. The property and tools on the Crab Orchard fork shall be assigned to the same by said Wilson, and the property and tools belonging to the balance of the Wilderness road, passing through Barboursville, shall be divided by him as equal, as near as may be, between the Overseers on said road, or if he shall believe it to the public interest, he may allot the same to one or two divisions of said road. He shall, before he enters upon the duties of Commissioner, execute bond, with good security, in the County Court of Laurel, payable to said court, in the penal sum of \$2,000, conditioned for the faithful performance of the duties required by this act; and for a breach of the same, the said court may, from time to time, put the same in suit. It shall be the duty of said court, from time to time, to make the said Wilson a reasonable allowance for his services, and make orders upon the Crab Orchard gate for one fourth—the balance from the gate at Cumberland Ford.

SEC. 2. *Be it further enacted*, That the said Wilderness road shall be laid off in the following divisions: the first division to consist of all that part of the road from Cumberland Gap to James Pogue's, on said road; the second division, through Barboursville, to the Laurel county line; the third division from thence to the widow Pitman's, in Laurel county; the fourth division from thence to the Rockcastle river, and the fifth division from thence to the Crab Orchard. It shall be the duty of the County Court of Knox to appoint Overseers on the first and second divisions; the County Court of Laurel on the third division; and the County Court of Rockcastle on the fourth and fifth. The County Court of Laurel shall appoint an Overseer on what is called the old road, from Laurel bridge to Joseph Payne's, on said road; and the balance of said road, to James Pogue's, to be worked by the authorities of the Clay County Court, or Commissioners who may have charge of the Goose creek salt works road, from said Payne's. These appointments to be made at the respective County Courts in April or May, a majority of all the Justices concurring therein. The said appointments to terminate at the succeeding Courts of Claims, when the said Courts shall, in the like manner, appoint Overseers for the term of one

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ed by him to
County Court
Clerk.

Commissioner
to cause re-
pairs to be
made.

Commissioner
to report on
oath to County
Court of Lau-
rel, all his act-
ings and do-
ings.

Property and
tools to be di-
vided between
Overseers.

Commissioner
to execute
bond in the
penalty of
\$2,000.

County Court
to make an al-
lowance for
Commissioner.

Road to be laid
off in divisions.

County Courts
to appoint
Overseers.

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year, which shall, in each year, be filled in the like manner:

Provided, That the incumbents shall remain in office until a successor is appointed. The said Overseers shall, to the extent of the means furnished them, work and keep in good repair their respective allotments of road. The Overseers on the Crab Orchard road shall be paid by the gate on said road, and the balance by the gate at Cumberland Ford. They shall keep a book specifying the provisions purchased, of the kind and quality, the price paid, and to whom; also the hands employed, the time each one worked, and at what price. They shall, at least twice in each year, settle with their respective County Courts, upon oath. All orders drawn by them upon their respective gate keepers, shall state for what it is drawn, or the same shall not be paid. The Overseers on the Wilderness road shall, if required by their respective County Courts, (a majority of all the Justices, concurring,) change the location of said road at any point, so as not materially to diverge from the survey of the Engineer under the corporation aforesaid; and where there has been any change in the location of said road, by said corporation, the same shall constitute a part of the Wilderness road, and shall be kept in repair. The Overseers shall purchase the necessary tools and other articles necessary to work said road; also, to purchase or hire carts and oxen. They shall, when engaged on said road, be allowed one dollar per day for their respective services. Before they enter upon the duties assigned them, they shall, in their respective County Courts, execute bond with good security, payable to said court, in the penal sum of \$1,000, for a faithful performance of the duties required by this act; and for a breach of the same, the said courts may, from time to time, put the same in suit.

SEC. 3. Be it further enacted, That the gate keeper at the Cumberland Ford shall, annually, pay to the Overseer on the old road, \$125. All persons living on said road, or within one fourth of a mile, subject to work on the public highways, shall work on said road four days in each year, and be exempt from working on other public highways.

SEC. 4. Be it further enacted, That the moneys received at the gate on the Crab Orchard fork, shall, under the direction of the County Court of Rockcastle, be expended on the Crab Orchard fork, and all that part of the money allotted at the Cumberland Gate, shall be apportioned according to distance.

SEC. 5. Be it further enacted, That it shall be the duty of the gate keeper on said road, in Knox county, to keep, in a separate book, an account of the number of salt wagons, salt packers, &c., engaged in the transportation of salt, that travel the Goose creek salt works road, in Clay, and the Lick road, called the Stinking creek road, and pay two-thirds of the toll thus received, to any person having charge of said roads, and the portion respectively received by said roads, shall be

Overseers to work and keep in repair said road.

Overseers to be paid by the gates on said road.

Overseers to keep accounts and settle with County Court.

County Court may require the Overseers to change the location of said road.

Overseers to purchase tools, &c. and to be allowed \$1 per day.

Overseers to execute bond in the penalty of \$1,000.

All persons living within 1-4 of mile of said road to work the same.

The money received, how to be disposed of.

Gate keeper to keep account of the number of salt wagons.

expended on said roads. It shall be the duty of the gate keeper to enter into bond and security, to any person or persons having charge of the Goose creek and Stinking creek roads, as now required by law; and the said gate keeper, and the gate keeper on the Crab Orchard fork, shall, every three months, upon oath, make report to their respective County Courts, of the moneys received by them.

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Gate keepers
to report every
three months.

SEC. 6. *Be it further enacted*, That it shall be the duty of the County Court of Knox, at their April term, in each year, to let to the highest bidder, for the term of one year, the Turnpike gate in Knox county, and the successful bidder, shall, in said court, execute bond with good security, to be approved by said court, in the penal sum of ten thousand dollars, payable to said court, binding himself to pay, quarterly, one fourth of the amount so bid, to such persons as are entitled to the same; and at the end of the year, to deliver the same to such person as may be appointed to receive it. If, in the opinion of the said court, they shall deem it advisable to purchase and erect a new site for said gate, they may do so, first selling the present location, upon a credit of one, two and three years, and the balance to be paid out of the gate on said road.

County Court
of Knox to let
to the highest
bidder, the
gate in Knox
county.

SEC. 7. *Be it further enacted*, That unless the gate shall sell for three thousand dollars, the same shall not be sold, and the gate keeper shall be appointed by the Governor, as now required by law.

County Court
may select a
new site for
gate.

If not sold for
\$3,000, the
gate to be kept.

SEC. 8. *Be it further enacted*, That so much of an act, entitled, an act to amend the laws in relation to the Goose creek turnpike road, in the counties of Knox and Clay, approved March the fourth, 1843, that requires the appointment of Commissioners, be, and the same is hereby repealed, and that the power and jurisdiction vested in said Commissioners, shall, hereafter, be vested in the County Court of Clay county.

Jurisdiction
over the Goose
creek turnpike
transferred to
Clay County
Court.

SEC. 9. *Be it further enacted*, That James White, of the county of Clay, be, and he is hereby made Commissioner, to make settlement with the gate keeper, and report such settlement to the County Court of Clay county, which settlement shall be entered on record of the County Court of Clay; and should said Commissioner die, fail, or refuse to act, the County Court of Clay shall fill such vacancy, and that said Commissioner shall receive, out of the funds of the gate, the sum of one dollar and fifty cents per day, while engaged in traveling to and from said gate, and settling with gate keepers.

Commissioner
appointed to
settle with the
gate keeper—
report to County
Court.

SEC. 10. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.

Commissioner
to receive \$1
50 per day
while engaged.

Approved, March 2, 1844.

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CHAPTER 332.

AN ACT to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth, and for other purposes.

Act repealed. **SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth, approved February 12, 1808, be, and the same is hereby repealed.

2d and 6th sections of act repealed.

SEC. 2. *Be it further enacted,* That the second section of an act, entitled, an act concerning the Court of Appeals, approved February 8, 1838, and so much of the 6th section of said act, as makes it the duty of the Reporter to print all the cases in which petitions for a re-hearing shall be filed, and so much as requires the petition to be published, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That the act, entitled, an act the better and more effectually to protect the rights of reversionary legatees, approved February 8, 1839, be, and the same is hereby repealed.

Duty of persons holding a life estate in slaves.

SEC. 4. *Be it further enacted,* That, hereafter, it shall be the duty of all persons within this Commonwealth, holding a life estate in a slave or slaves, to make out and file for record, in the Clerk's Office of the County Court where such person may reside, the respective names and ages of said slave or slaves, so held by him or her for life, on the first day of January, of each year, or within sixty days thereafter, which, said clerk shall record, in a book kept by him for that purpose; and charge the usual fee to whom the slaves belong in reversion or remainder.

SEC. 5. *Be it further enacted,* That it shall be the duty of the Sheriffs, as well as the Assessors of Tax, of the different counties, to report all such persons as may fail to comply with the provisions of this act, in their different counties, to the Clerk of the Circuit Court, who shall keep a list of the same; and all persons who shall fail, as aforesaid, shall be subject to a fine, by presentment of a grand jury, in the discretion of a jury, for each failure, any sum not exceeding fifty dollars.

Approved, March 2, 1844.

CHAPTER 337.

AN ACT to amend an act, entitled, "an act to fix the tolls on the Green and Barren River Navigation, and provide for its future management," approved March 10, 1843.

Board to be appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor, in appointing

Acting Commissioner; his duty and salary. the Board of Commissioners for the Green and Barren river navigation, shall designate one of them as "Acting Commissioner," upon whom shall devolve all the duties now required by law to be performed by the Superintendent, whose appoint-

ment is provided for in said act; whose duty it shall be, to devote his whole time in the preservation and necessary repairs on said line of public works, and shall receive, for his services, an annual salary, not exceeding eight hundred dollars, to be paid out of the tolls received on said works. Before entering upon the duties of his office, the said Acting Commissioner shall make oath, before some Justice of the Peace, in this Commonwealth, that he will faithfully perform all the duties devolving upon him, to the best of his skill and ability, and shall execute, and enter into bond, in the penalty of \$10,000, with one or more good securities, payable to the Commonwealth of Kentucky, which bond shall be filed in the office of the Secretary of State, and be approved by the Governor for the time being.

1844

Approved, March 2, 1844.

CHAPTER 340.

AN ACT declaring certain deeds valid.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all deeds conveying lands lying within this Commonwealth, and all deeds made by virtue of powers of attorney, which were recorded in any office where deeds were permitted by law to be recorded, more than thirty years ago, and where the possession of the land shall be consistent with the deed, and which deeds were admitted to record upon the certificate of any public officer, of any one of the United States, as to the acknowledgment thereof, shall, and may be read as evidence, on all trials in any of the courts of this Commonwealth, in the same manner, and to have the same effect as if such deed had been certified according to the law in force at the time the deed was admitted to record: *Provided, however,* That the provisions of this act shall only apply to actual and *bona fide* occupants, who are holding and occupying the land contained in such deed, at the passage of this act, or those claiming under them: *Provided,* That nothing herein contained shall, in any way, effect the rights of infants or *feme coverts*, but all their rights shall remain as at present provided by law.

Certain deeds
made: power
of attorney
more than 30
years, valid.

SEC. 2. Where deeds or other instruments of writing for the conveyance of lands prior to the year 1810, were acknowledged by the grantors therein, before the Clerk of any County Court, Circuit Court, Court of Quarter Sessions, or District Court of this State, within the time prescribed by law, and admitted to record in the Clerk's office of such court, copies of such deeds, duly certified from such office, shall be admitted to be read in evidence in any of the courts of this State; or if such deeds, so acknowledged, shall have been recorded in the office of the General Court or Court of Appeals, before or after the same were recorded in any of the courts

Copies of cer-
tain deeds evi-
dence.

LAWS OF KENTUCKY.

1844

aforesaid, copies from said records shall be admitted as evidence, as aforesaid.

Approved, March 2, 1844.

CHAPTER 345.

AN ACT to change the Spring term of the Owen Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Spring term of the Owen Circuit Court, be, and the same is hereby changed to the first Monday of May, in each year, and may continue twelve juridical days; and all process, recognizances, and other matters, now issued and taken, and made returnable to the Spring term of said court, as it stood before this change, and all process which may hereafter be issued, and recognizances hereafter taken, returnable to said term, be, and the same are hereby made returnable to the term of said court, as fixed by this act.

Approved, March 2, 1844.

CHAPTER 348.

AN ACT to amend an act, entitled, an act to authorize the entry of vacant land west of the Tennessee river, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the said act of Assembly, approved 23d February, 1839, as closes the land office for the entry of lands west of the Tennessee river, and requires that the Receiver's books shall be deposited in the Register's office for this Commonwealth, shall be, and the same is hereby repealed.

Act requiring
books to be de-
posited in Re-
gister's office
repealed.

Office, where
kept, and Re-
ceiver to be ap-
pointed.

SEC. 2. That, hereafter, the land office in said district shall be kept in the town of Mayfield, Graves county, and that there shall be appointed, by the Governor, with the advice and consent of the Senate, some fit person, to be styled the Receiver of Public Moneys for the land district west of the Tennessee river, who shall hold his office during the pleasure of the Governor, for the time being, (and in case of vacancy by death, resignation, or otherwise, it shall be filled as in other cases,) whose duty it shall be to keep an office at the said town of Mayfield, for the entry of lands in said district, which office shall be opened on the 15th day of May, 1844.

Proceeds of
sales, how ap-
plied.

SEC. 3. That the proceeds of lands entered in pursuance of this act, shall be appropriated and applied to all the counties now west of the Tennessee river, as provided for by the provisions of the 15th section of an act, entitled, an act for the Internal Improvement of the State of Kentucky, approved February 28, 1835.

Receiver to
give bond.

SEC. 4. That the said Receiver shall, before he enters upon the duties of his office, enter into bond with good security, to

be approved of by the County Court of Graves county, in the sum of \$2,000, conditioned for the faithful performance of all the duties of his office, and to pay over and account for all moneys received by him, according to law; said bond to be executed to the Commonwealth of Kentucky, and filed in the Clerk's office of said county; and said Receiver shall be liable in the same way, to be sued upon said bond, for a breach thereof, as was the late Receiver at Wайдсboro', according to the laws made and provided in relation to him.

SEC. 5. That all laws relative to the sale of lands west of the Tennessee river, in force on the 23d day of February, 1839, and not inconsistent with this act, are hereby declared to be in full force and effect, and applicable to all sales made under this act, and to the official duties required of the Receiver at Mayfield.

SEC. 6. That the actual and *bona fide* settler on any quarter, or fractional quarter section of land, who shall be an actual settler at the passage of this act, on vacant and unappropriated land, shall be entitled to the exclusive right of entering the same, at any time within twelve months from the passage of this act; and that any person owning an improvement on any quarter, or fractional section of such unappropriated land, which shall compose a part of his or her farm, shall be entitled to the same exclusive right of entry for twelve months.

SEC. 7. That it shall be the duty of the Receiver appointed in pursuance of this act, forthwith, after his qualification as such, to apply to the Register of the Land Office of this Commonwealth, and receive from him all the books deposited in his office by the Receiver at Wайдсboro', in pursuance of the act of the 23d February, 1839, and to transmit all of said books to his office, in the said town of Mayfield; and he shall be allowed the sum of six cents per mile in traveling to and returning from Frankfort, in making said transmission, to be paid out of the proceeds of the vacant lands in said district.

SEC. 8. That the said Receiver at Mayfield, shall be, and he is hereby authorized to give and certify any copy of any entry or other record on said books, that may be required, which shall be entitled to and receive full faith and credit, as evidence, in all the courts of this Commonwealth; for which record and certificate, said Receiver shall receive from the party applying for the same, the sum of twenty five cents in each case.

SEC. 9. The said Receiver shall be entitled to, and retain, upon all moneys paid into his office, for the entry of lands, five per cent. commission, as a compensation for his services, and no more.

SEC. 10. That any entry made hereafter, upon any military or Treasury warrant claim, south west of the Tennessee river, in this State, shall be void; and any patent that may issue on

1844Former laws
revived.Right of set-
tlers.Books in Re-
gister's office
to be given to
Receiver.Pay for trans-
fer of books.Receiver may
give copies.Receiver's
commission.Entries and
patents in cer-
tain cases,
void.

1844 any such entry, is hereby declared null and void, to all intents and purposes.

Approved, March 2, 1844.

CHAPTER 352.

AN ACT to amend the laws relative to the appointment of Constables, and for other purposes.

When eligible. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, no person shall be appointed Constable in any district, unless such person shall have been a citizen of the district at least six months next before his appointment; and, that hereafter, it shall not be lawful for the County Court of any county to appoint more than one Constable in any district, unless such district may include the Seat of Justice of said county; and any Constable appointed contrary to the provisions of this act, such appointment shall be, and the same is hereby declared null and void.

What number. SEC. 2. *Be it further enacted,* That, hereafter, in all suits or motions against Constables and their securities, or any one or more of them, for moneys collected by such Constable, the receipt of the Constable, as such, for the collection of the debt or demand, shall, on the trial of any such suit or motion, be *prima facie* evidence that such debts or demands mentioned in the receipt were collected by him, and the burden of proof of the non-payment or non-collection of the debts or demands mentioned in such receipt, shall be with the Constable and his securities, or such one or more of them who may be sued.

SEC. 3. *Be it further enacted,* That any demand made of any Sheriff or Coroner, for money collected by him, by the attorney at law of the person who may have recovered the judgment, shall be a legal and sufficient demand: *Provided,* The record or papers show that such attorney acted as such in the case.

Approved, March 2, 1844.

CHAPTER 354.

AN ACT to amend the charter of the Covington and Lexington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election for President and Directors in the Covington and Lexington Turnpike Road Company, shall take place on the second Monday in March, in each year, instead of the first Monday in April, as heretofore.

Approved, March 2, 1844.

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CHAPTER 355.

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AN ACT for the benefit of the Shelbyville and Louisville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Shelbyville and Louisville Turnpike Company, in regulating the tolls on said road, to put the same rate of tolls on wagons and other vehicles with broad tire, which they are authorized to put on wagons and other vehicles with narrow tire; and said company may so regulate their tolls on said road, as that the profits on the capital of the company shall not exceed six per cent. per annum, after paying the annual costs of repairs and management; and when the rate of tolls fixed by said company shall exceed the above rate, it shall be the duty of said company, from time to time, to reduce the rate of tolls, so that the profits shall not exceed said rate.

Tolls how regulated.

Tolls how regulated.

Approved, March 2, 1844.

CHAPTER 356.

AN ACT to establish a State road from Frankfort to Lebanon, in Marion county.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Mayhall, Samuel Scofield, William Hall, Madison Blakemore and John Jenkins, of the county of Franklin; and that William Cardwell, Samuel Chambers, Daviess Hackley, James M. Hawkins, Davis C. Driskill, of the county of Anderson; and that Daniel McElroy, Samuel Booker, William O. Harris, James Trent, Edward Thompson, of the county of Washington; and that Thomas H. Hamilton, Sr., Richard Spalding, Jr., George Mercer, of the county of Marion, be, and are hereby appointed Commissioners, to view and mark out the best and most practicable route for a State road, from the town of Frankfort, in Franklin county, to the town of Lebanon, in the county of Marion; said road to pass through Lawrenceburg, in Anderson county, through the towns of Willisburg and Springfield, in Washington county, and from said town of Springfield, to the town of Lebanon, in the county of Marion.

Names in
Franklin.

Anderson.

Washington.

Marion.

Commissioners
duty.

Sec. 2. That the said Commissioners, or a majority of them, shall meet at Willisburg, in the county of Washington, on the first Monday in May next, or sooner, if convenient, and proceed to view and plainly mark out for said road, giving notice to those over whose land the said road is to pass; and if desired by said owners, they shall estimate the damages he, she or they shall sustain by the establishment of said road; and they shall report, in writing, to the County Court of the respective courts in said county, following the survey aforesaid; and also the number of days they have been engaged in discharging the duties required of them by this act.

Commissioners
where to meet,
and their duty.

1844Courts how to
assess damages.

SEC. 3. That if any proprietor of land over which said road is located, shall fail to require an assessment of damages by the said Commissioners, and shall apply to the said County Court, the said court shall make an order for the assessment of damages by a jury, who shall, in all respects, be governed by the law regulating proceedings of the same kind under writs of *ad quod damnum*.

County Courts,
their duties.

SEC. 4. That if the County Courts of said counties, or if any person interested in the establishment of said road, shall agree to pay damages, which may be assessed as aforesaid, then, and in that event, the County Court aforesaid, shall proceed to lay off said road in convenient sections or precincts, appoint Surveyors, open and keep the said road in repair, according to the provisions and requirements of the general laws of this Commonwealth in relation to roads.

SEC. 5. That the Surveyors appointed under this act, shall, in all respects, be governed and controlled by the law which is now, or may hereafter be in force, in regard to working on roads in this Commonwealth.

Commissioners
take oath.

SEC. 6. That the said Commissioners, before they proceed to the duties assigned them by the provisions of this act, shall take an oath, before some Justice of the Peace, to discharge the duties required of them by this act, faithfully and impartially; and they shall be entitled to one dollar per day, while engaged in the duties aforesaid.

County Court
may appoint
Com'mrs., &c.

SEC. 7. That should a majority of the Commissioners aforesaid, fail or refuse to discharge the duties assigned them by the provisions of this act, then, and in that event, the said County Court may appoint other Commissioners, by whom the same duties shall be performed, and when performed, shall be as binding and valid as if the same had been done by the Commissioners herein appointed.

Expenses how
paid.

SEC. 8. That the expenses of the Commissioners in reviewing the said road, shall be paid for by the counties through which said road passes.

Approved, March 2, 1844.

CHAPTER 358.

AN ACT supplemental to an act changing the terms of the Logan and Allen Circuit Courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all process which has or may be made returnable to the April term of the Logan Circuit Court, and all cases which may be set for trial at said term, shall be as legal as though made returnable to the present May term; and all causes which may be set for trial at the April term, 1844, shall be tried at the May term of said court.

SEC. 2. *Be it further enacted,* That all process which has or may be made returnable to the May term of the Allen Cir-

cuit Court, shall be returned to the April term of said court, and all causes which may be set for trial at said May term, shall be as legal as though made returnable to the present April term; and all causes which may be set for trial at the May term, 1844, of the Allen Circuit Court, shall be tried at the April term of said court.

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Approved, March 2, 1844.

CHAPTER 360.

AN ACT to authorize the building of a Warehouse for the use of the Penitentiary, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund be, and they are hereby authorized and directed to purchase, such property as they may deem most suitable and eligible, whereon to build a Warehouse for the use of the Penitentiary, and such as they may be enabled to purchase on terms the most advantageous to the interests of the State; and they shall, as soon as practicable, have a Warehouse, suitable for the purposes of the Penitentiary, erected on said lot: *And provided further,* That they shall purchase no lot, or authorize the building of a Warehouse, unless they can do so with the manufactures now on hand, or by agreement with the Keepers of the Penitentiary to pay for the same out of the State's share of profits in said Penitentiary, so that no portion of said purchase money, or the erection of the Warehouse, shall, in any case, be drawn from the Treasury: *And provided,* The building of said Warehouse shall not cost more than two thousand dollars.

Approved, March 2, 1844.

CHAPTER 361.

AN ACT to incorporate the Louisville and Portland Railroad Company.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William F. Bullock, John I. Jacob, Samuel Casseday, T. S. Bell, James Pickett, David L. Beatty, Fred. A. Kaye, Elisha Applegate, Wm. E. Glover, Wm. H. Field, E. G. McGinnis, Brice M. Patten, Andrew Graham, Reuben Dawson, Garnett Duncan, Jabez Baldwin, J. W. Knight, Charles J. Clark, and their successors, be, and they are hereby created, a body politic and corporate, by the name and style of the Louisville and Portland Railroad Company, and by that name shall have succession for the full term of thirty years from the first day of April, one thousand eight hundred and forty four; and capable, in law, to contract and be contracted with, sue and be sued, defend and be defended, in all courts in law or equity, and elsewhere, as natural

Corporators' names and limitation, and powers.

1844

al persons; and have and use a common seal, and alter and renew the same at pleasure; and generally to do and perform every act and thing necessary and proper to carry into effect the provisions of this act, and to promote the design of this corporation.

**President and
Directors to be
chosen, when
and how.**

Sec. 2. The management and control of the prudential affairs and concerns of the Louisville and Portland Railroad Company shall be under the direction of a President and five Directors; and the persons herein named, or a majority of them, shall meet on the tenth day of April, at some designated place in the City of Louisville, of which notice shall be given in the Louisville Journal and Public Advertiser, or other newspaper published in Louisville, at which meeting there shall be chosen, by a *viva voce* vote, a President and five Managers, a Treasurer and Secretary—the same individual may hold the two last named offices. The persons named in the first section of this act, may name as many other persons as they please, not exceeding one hundred, and at each annual meeting of such persons as are herein named, and those added to the list, those present may add others to the list of the names, who shall be members of the association. The President and Directors elected, shall proceed to make by-laws, rules and regulations, for the government of the Institution, not incompatible with the laws and constitution of the State of Kentucky: they shall fix a time and place for annual meetings of the members of the association, to elect a President and five Directors, who shall have the right to exercise all the powers and authority conferred by this act, subject to the by-laws, rules and regulations which may, from time to time, be made by the President and Directors. They shall keep an office in the City of Louisville, or within its vicinity, for the transaction of business, where a record of their proceedings shall be made and kept.

**By-laws may
be made; an-
nual meetings
to be fixed.**

Sec. 3. *Be it further enacted,* That the capital stock of said company shall not exceed the sum of \$100,000; and, with a view to raise the capital, said President and Directors are authorized to receive donations by devise, or otherwise, any chose in action, money, or property of any kind or description; deeds for the conveyance of lands, or houses and lots, may be made to said President and Directors, and their successors in office, which shall pass the title to the property conveyed, in as full and ample a manner, as though they were natural persons; and in like manner, when it may be thought proper, for the purpose of promoting the interests and carrying out the design of the Institution, said President and Directors, for the time being, shall have, and they are hereby vested with full power and authority to sell and dispose of any property donated to said Institution, except such as may be hereafter donated by the State of Kentucky. Deeds of conveyance made to or from said President and Directors, shall be recorded in

**Capital stock.
Donations, &c
may be receiv-
ed; deeds, &c.
received, and
may sell estate.**

the office of the County Court of the county in which the lands lie.

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Railroad dona-
ted by State.

SEC. 4. Be it further enacted, That the State of Kentucky hereby subscribes, for and on behalf of the State, the Railroad now constructed in the City, and between the City of Louisville and Portland, terminating in Portland; and hereby vests in said corporation, when chosen, the title which the Commonwealth has in and to the right of way, land in fee, improvements, fixtures, appurtenances, and houses, belonging or attached to said Railroad, to which the Commonwealth has, in any manner, the right, or title, in law or equity: *Provided*, Should the individuals hereby incorporated refuse to accept or comply with the provisions of this act, all the property hereby donated and subscribed by this act, shall again vest in the Commonwealth.

SEC. 5. That with a view to render said Railway available, said President and Directors shall have power to expend any funds in their hands for the purpose of putting and keeping in repair said Railway, and extending the same to any point or points within the City or on the Ohio river, which they are hereby vested with full power to do, by and with the advice and consent of the City Council, elected next after it shall be made known through the newspapers published in said City, that an application will be made to the City Council for an extension of said Railway, setting forth in such publication, the extent, beginning and terminus, of the contemplated extension: *Provided, however*, If an extension should be desired to reach beyond the City, and passing through private property, it shall only be done by the purchase of the right of way, or by an application for a writ of *ad quod damnum*, under the laws now in force on that subject, and the payment of the damages assessed. The President and Directors shall, also, have the right to purchase and hold passenger and burden cars, and to furnish themselves with the means of transportation, and shall have the right to charge and exact tolls and fees from passengers, and for transporting any baggage or thing; but a list of the charges shall be printed in one or more of the newspapers in the city, and posted up at the door of their business office.

Proviso.

Railroad to be
put in repair
with consent
of city Council
of Louisville,
may be ex-
tended.

SEC. 6. That the corporation hereby created, is for the purpose of educating, instructing and maintaining blind persons who may be received at the Kentucky Institution for the Education of the Blind, located at Louisville; and for that purpose, and that alone, under the provision of this act, does the State of Kentucky hereby donate and subscribe the Railroad, as stock, provided for in the 4th section of this act; and the same, together with lands and appurtenances purchased by said corporation, or which they may receive by devise or voluntary donation, and all money or other thing devised or donated to said institution or corporation, no matter for the words of the writing, if the intent thereof can be ascertained

Right of way
may be pur-
chased or con-
demned: cars,
&c. to be pur-
chased.Corporation
created for the
education, &c.
of the Blind.

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the language employed, shall be held in trust as a sacred fund, to be used for that purpose alone.

May purchase lands and lots and erect buildings. SEC. 7. That with a view to carry out the design of this Institution, the President and Directors are hereby authorized to purchase, in the name of the corporation, any lot or lots in the City of Louisville, or lands within the vicinity of Louisville, and erect thereon any buildings which may be deemed necessary to effect the purposes of the Institution, and otherwise improve and cultivate any grounds held by said corporation.

May employ Clerks and Superintendents.

SEC. 8. The President and Directors shall have power to employ one or more Clerks, Superintendents and Instructors, provide for the maintenance and comfort of the inmates of the Institution, regulate the duty and salaries of the officers employed, and take from them bonds, with approved security, conditioned for the faithful discharge of the duties assigned them. They shall keep a record of all moneys received by them, stating the sources from whence received, the names of all donors, of all purchases and gifts of property, and sales made of property, and of all expenses attending the Institution; all of which facts, with a complete statement of the financial condition of the Institution, its progress, and the number of its inmates, shall be laid before the Legislature at each session.

Right to examine into the concerns of the corporation reserved by Legislature.

SEC. 9. This corporation is created upon the express condition, that the Legislature reserves the right, at all times, to examine into the condition of the corporation, and ascertain whether the purposes of the trust have been faithfully carried out; and, if thought necessary for the benefit of the Institution, change the mode of selecting the officers, prescribe rules for its government, or do any other act necessary to carry out the purposes for which the corporation is created.

Property vested and acquired, to vest in commonwealth at expiration of this charter, to be held in trust for Education of the Blind.

SEC. 10. That at the expiration of the time limited for the existence of this act of incorporation, all the right, title, interest and claim in and to the property, real and personal, which is hereby vested in said company, as also all property of whatever description, which may hereafter be purchased, or in any manner acquired by said company, be, and the same is hereby vested in the Commonwealth of Kentucky, in consideration of the grant herein made, for its exclusive use and ownership, in as full and ample a manner as if the same were conveyed by said company to the State, by deed or otherwise, to be held by the State in trust, for the Education of the Blind, except the Railroad, to the extent now, and hereby vested in said corporation, which shall revert to the State, subject to the will of the Legislature.

Railroad to revert to State.

Surplus profits to be paid into Treasury.

SEC. 11. That whenever said corporation shall have erected suitable buildings for the Education of the Blind, they shall pay into the Treasury of this Commonwealth, on the first day of January, in each year, all of the proceeds arising from said road, over the amount necessary to the support and education

of the inmates of said Institution, after deducting all necessary expenses consequent upon the using of said road.

Sec. 12. That should the State, hereafter, make any arrangement with the City authorities of Louisville, permitting the State to construct said Railroad into or through said City, and the State should desire said road to be again vested in the Commonwealth, then said road and right of way, and all the engines and apparatus on the road, if of any value, shall vest in the State absolutely, and the rights of said corporation to the same, shall cease: *Provided, however,* Should the State determine to take back said road, the State shall pay to said corporation the value of any additional improvement to said road, by increasing the length of the same, and of all the engines, cars, and appurtenances connected with said road; and the value of the same shall be determined upon by three Commissioners, one to be chosen by the Governor of the State, one by said corporation, and one shall be chosen by the two Commissioners, and they shall report the value to the next Legislature after the same is made.

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Railroad to be again vested in Com'wth, if desired, upon certain terms and conditions

Valuation to be made, and in what manner.

Approved, March 2, 1844.

CHAPTER 362.

AN ACT supplemental to an act to provide for the payment of Contractors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby directed to appropriate, any unexpended balance of the proceeds of \$100,000 State bonds, sold under the act, approved March 8, 1843, entitled, an act to amend the charters of the Banks of Kentucky, to the payment of the Contractors on the public works, under the provisions of an act passed the present session, providing for the payment of the Contractors on the public works, and to the extent that payment shall be so made, the Governor is hereby directed not to sell bonds as directed by said act of the present session.

Approved, March 2, 1844.

CHAPTER 364.

AN ACT for the appropriation of money.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums of money, not otherwise appropriated, be paid out of the public Treasury, to the several persons entitled to the same:

To T. J. Mayhall, per account filed, No. 1, fifteen dollars.

To A. S. Parker, per account filed, No. 2, six dollars.

To John L. Moore, per account filed, No. 3, twenty four dollars seventy five cents.

To Charles F. Reynolds, per account filed, No. 4, one dollar fifty cents.

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To R. & S. Knott, per account, No. 5, eight dollars seventy five cents.

To George W. Lewis, per account, No. 6, thirty one cents

To Lockwood & Lindsey, per account, No. 7, three dollars sixty seven cents.

To James Davidson, per account, No. 8, thirty eight dollars thirty seven cents.

To John Swingle, per account, No. 9, one hundred and twenty dollars seventy five cents.

To R. P. Snell, per account, No. 10, sixty one dollars fifty cents.

To W. P. Loomis, per account, No. 11, eight dollars and fifty cents.

To the Board of Internal Improvement, to pay witnesses in attendance on the investigation of the claims of the Licking river Contractors, sixty six dollars seventy six cents, per account No. 12.

To Lockwood & Lindsey, per account, No. 13, eighty four dollars five cents.

To George W. Walston, per account, No. 14, ninety three dollars eighty seven cents.

To the Speakers of the Senate and House of Representatives, six dollars per day each, during the present session.

To the Clerks of the Senate and House of Representatives, ten dollars per day each, during the present session.

To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day each, during the present session.

To the Sergeants of the Senate and House of Representatives, four dollars per day each, during the present session.

To the Doorkeepers of the Senate and House of Representatives, four dollars per day each, during the present session.

To Joseph Gray, one dollar per day, during the present session, for the services of his son, James Gray.

To E. H. Tole, per account, No. 15, fifteen dollars.

To R. A. Bohannon, per account, No. 16, twelve dollars.

To John D. Rake, per account, No. 17, four hundred and fifty seven dollars twenty five cents.

To John D. Rake, per account, No. 40, one dollar and forty cents.

To O. & I. Belt, per account, No. 18, twenty five dollars.

To J. F. & B. F. Meek, per account, No. 19, two dollars and fifty cents.

To William F. Miller, per account, No. 20, eleven dollars eighteen cents.

To Robert Palmer, per accounts Nos. 21 and 22, fifty dollars and fifty cents.

To W. J. Graves, per account, No. 23, two hundred and ten dollars.

To Cogle & Gray, per account, No. 24, forty nine dollars twenty six cents.

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To the Clerks of the Senate and House of Representatives, sixty dollars each, for six days' service after the close of the present session, in preparing the acts for publication and arranging the books and papers.

To the Baptist Church in Frankfort, for the use of their bell during the present session, ten dollars.

To Cogle & Gray, per account, No. 25, two dollars twenty five cents.

To Adam C. Keenon, per account, No. 26, one hundred and seventy two dollars seventy five cents.

To Loughborough and Hodges, per account, No. 27, seventy dollars.

To A. G. Hodges, per accounts, Nos. 28, 29, and 30, two thousand one hundred and fifty six dollars thirty one cents.

To William M. Todd, per accounts, Nos. 31 and 32, two hundred and eighty one dollars seventy five cents.

To Charles H. Julian, per accounts, Nos. 33 and 34, three hundred and thirty five dollars thirteen cents.

To G. S. & L. M. Bacon, per account, No. 35, one dollar and thirteen cents.

To Hensley Lewis, per account, No. 36, one dollar and twenty five cents.

To Michael Barstow, per account, No. 37, one dollar and thirty five cents.

To A. S. Parker, per account, No. 38, twenty seven dollars fifty cents.

To James Stonestreet, for making Index to the Journal of the Senate, one hundred dollars.

To A. G. Hodges, for making Index to the Journal of the House of Representatives, one hundred dollars.

To Charles H. Julian, per account, No. 41, one dollar and fifty cents.

To the publishers of The Commonwealth, one hundred and fifty dollars.

To the publishers of Kentucky Yeoman, fifty dollars.

To the Lunatic Asylum, for the support of that Institution for the year 1844, the sum of twelve thousand dollars, to be paid quarterly in advance; and out of the above sum the Second Auditor shall issue his warrant on the Treasurer, in favor of William Washam, as per account, No. 39, thirty two dollars and sixty cents.

The Second Auditor of Public Accounts shall be, and he is hereby authorized and directed to settle with Albert G. Hodges, for Public Printing executed by him during the present session of 1843 and 1844, and not included in the bill rendered by him, and issue his warrant upon the Treasury for such sum as may be due said Hodges on such settlement.

To Adam C. Keenon and Charles H. Julian, for binding two thousand two hundred copies of the acts of the General Assembly, so much as will amount to fifty cents a volume, for each volume of the Journals, and the same for each volume of

1844

the Reports or Legislative Documents of the two houses of the present General Assembly, one half of which to be paid in advance, and the balance upon their producing to the Second Auditor of Public Accounts, a certificate from the Secretary of State, showing the delivery of the Acts, Journals, and Reports or Legislative Documents aforesaid, in his office: *Provided, however,* If the full number of copies authorized to be bound, shall not be so delivered, a deduction shall be made at the rate of fifty cents for each copy of the Acts, Journals and Reports that are not bound by them.

To boy Lucien, for services rendered the House of Representatives, ten dollars, to be paid to Joseph Gray for him; and to boy Henry, ten dollars, for services rendered the Senate, to be paid to John Mayhall for him.

To Albert G. Hodges, Public Printer, in advance, the sum of three thousand dollars for Public Printing to be done by him during the year 1844.

To Thomas Grant, John W. Hunt and Jacob Ashton, as Commissioners of the Lunatic Asylum, the sum of one hundred dollars each, for the ordinary superintendence of said Asylum.

The vouchers sustaining the foregoing and above appropriations shall be filed in the Second Auditor's Office, and kept by him for inspection at any future time.

To Humphrey Evans, forty five dollars, for his services in the Office of the Treasurer.

To James Davidson, forty dollars for counterfeit notes received by him as Treasurer.

To Henry C. Harris, twenty one dollars and fifty cents, for Moses Adams, as Commissioner of Tax, which has not been paid, having been informally certified.

To the Sergeant at Arms of the Senate, and Door Keeper of the House of Representatives, for making fires, &c., during the present session, fifty five dollars each.

To W. Campbell, as per account, ninety cents.

Sec. 2. *Be it further enacted*, That the sum of two hundred and fifty dollars be paid to James Coleman, Jr., in full for his services in the Office of the Secretary of State, in the years 1842 and 1843.

Sec. 3. *Be it further enacted*, That the Auditor shall issue his warrant on the Treasury, for the sum of seven thousand five hundred dollars, upon the order of the Board of Education, to enable the Superintendent of Education to pay to the several School Districts who have, or shall, hereafter, make reports for schools which were kept according to law, for the year 1843: *Provided*, Said reports are received previous to the first day of April next.

Sec. 4. That the Auditor shall, hereafter, on the first day of February, in each year, issue his warrant on the Treasury, upon the order of the Board of Education, for such sum as will enable the Superintendent of Education to pay the sev-

Board Education to pay the amount due school districts

Auditor to draw on Treasurer annually to pay amount

eral School Districts which make their annual report to him, at which time he shall file with the Auditor, a detailed report of the several districts which may have reported according to law; all which sum shall be charged to the Common School Fund, on the books of the Treasury, and be paid out of any money in the Treasury not otherwise appropriated, and shall not, at any time, exceed the interest on the School Fund.

Sec. 5. That the Superintendent be, and he is hereby authorized to pay to the School Commissioners of Shelby and Warren counties, such sum as they may be justly entitled to, for the schools kept in said counties for the years 1841 or 1842, so soon as he receives the regular reports from said counties.

Sec. 6. That, hereafter, all school reports which are not made to the Superintendent on or before the 1st day of February, ensuing the year in which such schools may have been kept, shall forfeit all claims for that year, under the provisions of this act.

Sec. 7. In order to secure uniformity in the school reports, it shall be the duty of the Superintendent of Education, to transmit, by mail, to the School Commissioners of each county, the necessary forms for that purpose, on or before the 1st day of September, in each year: *Provided*, That the appropriation to schools shall not be in force, in case the act for the safe investment of the Common School Fund, which has passed the Senate at the present session shall become a law, or any other provision for the payment is made.

Sec. 8. To the Commissioners of the Cumberland Hospital, fifteen hundred dollars.

Approved, March 2, 1844.

1844
due school dis-
tricts.

School Com-
missioners in
Shelby & War-
ren to be paid.

When school
reports to be
made, and for-
feiture for fail-
ure.

Superintend-
ent to furnish
forms of report.

Proviso.

CHAPTER 365.

AN ACT authorizing the County Courts of Christian, Hopkins, and Daviess counties to establish roads to Coal Banks in their respective counties, and from one Coal Bank to another.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Courts of Christian and Hopkins counties be, and they are hereby authorized to establish and open roads from their respective county seats, to the several Coal Banks in said counties, and from one Coal Bank to another, upon the same terms and conditions, and under the same regulations as they are now authorized by law to establish public roads.

Sec. 2. *Be it further enacted,* That the County Court of Daviess be authorized to establish a road from Owensboro' to the Bonharber Coal Mines, a majority of the Justices of said county concurring.

Christian and
Hopkins.

Approved, March 2, 1844.



LAWS OF KENTUCKY.

Passed at December Session, 1843.

ROBERT P. LETCHER, GOVERNOR; MANLIUS V. THOMSON, LIEUT.
GOVERNOR AND SPEAKER OF THE SENATE; JOHN L. HELM,
SPEAKER OF THE HOUSE OF REPRESENTATIVES; JAMES HARLAN,
SECRETARY OF STATE.

LOCAL AND PRIVATE LAWS.

CHAPTER 1.

AN ACT for the benefit of the devisees of Thomas Wallace, deceased.

1844

WHEREAS, it is represented to this General Assembly, that Thomas Wallace, deceased, late of Fleming county, made and published his last will and testament, which was regularly admitted to record in the County Court of said county, by which he devised nearly his whole estate to his daughter and only child, Amelia Sarah Wallace, but in the event of her dying without issue of her body, then a large portion of his estate he bequeathed to certain persons, in trust, for his relations, who resided in Ireland, to-wit: a part to the children of his sister, Rebecca Cummings, deceased, except Edward Cummings, or to their heirs; another part to the child of his sister, Fanny McConnell, or her heirs; and another part to Fanny Cummings, daughter of Rebecca Cummings, deceased, and to a certain female, Fanny, who resided with his sister, Fanny McConnell, in Ireland: And whereas, the said Amelia Sarah, after the death of said Thomas Wallace, departed this life without leaving any issue of her body, and consequently, if the provisions of said will are to be complied with, the said devisees are entitled to the estate devised to them: And whereas, it is represented that the said devisees were, at the time of the death of the said Thomas Wallace, and of said Amelia, subjects of the Queen of Great Britain, and residents of Ireland, and consequently aliens to the government of the United States: And whereas, it is further represented, that a portion of said devisees have sold and conveyed their interests in said estate, to Mark Wallace, who was also an alien, but is now a resident of this Commonwealth: And whereas, by the laws of the land, it is believed that the real estate of said Thomas Wallace escheated to this Commonwealth, or is

Preamble.

1844

Right of the
State to cer-
tain property
released.

liable to escheat to the same, and the provisions of his will must thereby be defeated—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, and interest which this Commonwealth has, in and to, the estate devised by the said Thomas Wallace, be, and the same are hereby released to said alien devisees respectively, his or her portion, or to the vendee or vendees of such one or more who may have sold and conveyed his or her interest in said landed estate.

JOHN L. HELM,
Speaker of the House of Representatives.
MANLIUS V. THOMSON,
Speaker of the Senate.

Approved, January 11th, 1844.

R. P. LETCHER.

By the Governor,

JAMES HARLAN,
Secretary of State.

CHAPTER 2.

AN ACT for the benefit of Robert Baker, of Logan county.

WHEREAS, it is represented to this General Assembly, that Robert Baker, of the county of Logan, is a minor, (being about twenty years old,) and that said Baker has a small estate in the hands of Daniel Haddox, of said county, as his guardian; that said Baker has a family, and is desirous of receiving his legacy from said Haddox, his guardian, for the purpose of enabling him to settle himself—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Daniel Haddox, of the county of Logan, to surrender and pay over to Robert Baker, his ward, any money or property which may be in his hands, as guardian for said Baker: Provided, That the estate paid over by said Haddox, to his ward, shall not exceed one thousand dollars.

Approved, January 11, 1844.

CHAPTER 4.

AN ACT to legitimate William Wilbourn Sparks, of Adair county, and to change his name to that of William Wilbourn Wooten.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William Wilbourn Sparks, of Adair county, be, and is hereby changed to William Wilbourn Wooten; and the said William W. Wooten is hereby legitimated as the son of Frederick S. Wooten, of Adair coun-

ty, and made capable to take, by devise or descent, as heir of said Frederick S. Wooten.

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Approved, January 12, 1844.

CHAPTER 6.

AN ACT for the benefit of Henry Horn.

WHEREAS, Henry Horn, of Simpson county, has no record of his age, but is married, and is supposed to be of lawful age, and is desirous of drawing from his guardian, John Carpenter, the funds in his hands—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Henry Horn shall be, and is hereby empowered to settle and adjust with his guardian, his accounts; and a settlement thus made between them, shall be as obligatory in law, as though the said Henry Horn was of full age.

Approved, January 12, 1844.

CHAPTER 7.

AN ACT for the benefit of the Sheriffs of Clinton, Monroe and Cumberland counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Clinton county be, and he is hereby allowed the further time of three months, to return his delinquent list.

Sec. 2. *Be it further enacted,* That Philip Emmert, former Sheriff of Monroe county, be allowed the further time until the first day of March next, to return his delinquent list.

Sec. 3. *Be it further enacted,* That A. G. Waggoner, Sheriff of Cumberland county, be allowed the further time until the first day of July next, to return his delinquent list.

Approved, January 12, 1844.

CHAPTER 8.

AN ACT for the benefit of John M. Davis, of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John M. Davis, one of the Commissioners of Tax, in Clinton county, for the year eighteen hundred and forty three, shall have the right to act as Deputy Sheriff of said county, in the same manner as though he had not have been a Commissioner of Tax, any law to the contrary notwithstanding.

Approved, January 12, 1844.

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CHAPTER 9.

AN ACT to establish additional precincts in the counties of Breckinridge and Clinton.

Breckinridge. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct be, and the same is hereby established, at the Rough creek Sulphur Springs, in the county of Breckinridge, and the laws of this Commonwealth relating to elections, shall be observed in all elections that shall be held at said precinct.

Clinton. *Sec. 2. Be it further enacted,* That there be, and is hereby established, an election precinct in the county of Clinton, and the place of voting therein, shall be at the house of Robert Neathery.

Approved, January 12, 1844.

CHAPTER 10.

AN ACT for the benefit of John M. Wilkinson, executor of William Young, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the Shelby County Court be, and he is hereby required and directed, to deliver to John M. Wilkinson, executor, or his attorney, the original last will and testament of William Young, deceased, late of Clay county, Missouri.

Approved, January 12, 1844.

CHAPTER 12.

AN ACT for the benefit of Edwin H. Reed, of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Edwin H. Reed, of Ohio county, be, and is hereby changed to that of Edwin H. Dymond.

Approved, January 12, 1844.

CHAPTER 13.

AN ACT to enlarge the Constable's District in the county of Mercer, in which Samuel Alexander acts as Constable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's District, in the county of Mercer, in which Samuel Alexander acts as Constable, be, and the same is hereby so enlarged, as to extend from the town of Harrodsburg, on the north side of Cornish's mill road to Salt river, at Morgan's ford; down said river to McAfee's mill; thence in a direct line to the White house; and from

thence down the main road leading to Harrodsburg, which boundary includes the farm on which said Constable now resides.

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Approved, January 12, 1844.

CHAPTER 16.

AN ACT for the benefit of Mary D. Stewart, an infant.

WHEREAS, Mary D. Stewart, living in Henry county, is an infant, about four years old, and owns two slaves, and two small tracts of land, in said county, and her father and mother being dead, and Madison Stewart, her guardian and uncle, being about to remove to the State of Missouri, where the grandmother of said infant resides; and it being represented, that it is to the interest of said Mary D. Stewart, to sell said two tracts of land, and one of the negroes, being an old man, who has a wife in Henry county—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Madison Stewart may exhibit his bill in chancery, in the Henry Circuit Court, against said Mary, setting out all the reasons in favor of a sale of said negroes and two tracts of land; and the court shall, upon the hearing of the case, if it shall believe it to the interest and advantage of said infant, Mary D. Stewart, decree a sale of said slaves and lands, on such terms as may seem right, and cause the guardian to give bond with two or more good securities, payable to the Commonwealth, in such penalty as said court may fix, for the faithful accounting to said Mary D. Stewart, for the proceeds of such sales, and to invest the same in land in the State of Missouri; and upon a breach of said bond, any person or persons interested in a breach of the same, may sue thereon for their use.

Approved, January 12, 1844.

CHAPTER 17.

AN ACT to establish the town of Downingville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John H. Downing be, and he is hereby authorized to lay off a town on the land on which he resides, in the county of Grant, to include four acres, to be laid off in lots of one quarter of an acre, with streets and alleys of such dimensions as said Downing may direct; and when said town shall be laid out as said Downing may direct, a plat thereof shall be made out by some Surveyor, and recorded in the County Court of Grant county.

Town laid off.

SEC. 2. That said Downing shall enter into bond and security to the Commonwealth of Kentucky, in the Grant County

Proprietor to execute bond.

1844

Court, in the penalty of five hundred dollars, to convey, by general warranty deed, the lots, when sold, to the various purchasers, and any person or persons aggrieved and having the right to sue, may commence suit on such bond, for all damages which may accrue, or to which he or they may be entitled, in consequence of a breach of said bond, and a recovery in one or more cases, shall not bar others from maintaining a suit thereon, for any injuries that may be sustained by them.

SEC. 3. That William P. Reed, T. J. McGinnis, N. H. Matthews, George Renicker, and John H. Downing be, and they are hereby appointed Trustees of said town, and at the first meeting, a majority being present, shall name the same Downingsville, which shall be recorded in a book to be kept by them, and remain in the hands and custody of their Clerk, who they are hereby required to appoint; and the said Trustees, or a majority of them, shall have full power and authority to enact such by-laws and regulations for the government and improvement of said town, as other Trustees possess in similar cases, heretofore enacted by the laws of this Commonwealth, and the said John H. Downing shall be, and he is hereby empowered to compel the purchasers of any lot or lots, to comply with the conditions of the sale under which said lots were sold.

Approved, January 12, 1844.

CHAPTER 19.

AN ACT for the benefit of Peter Blevins, Elizabeth Land, and Louisa Flanigan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Peter Blevins, of Pike county, be, and the same is hereby changed to that of Peter Alley.

SEC. 2. *Be it further enacted,* That the name of Elizabeth Land, of Allen county, be changed to that of Elizabeth Hanes.

SEC. 3. *Be it further enacted,* That the name of Louisa Flanigan, of Wayne county, be changed to that of Louisa Herritord.

Approved, January 12, 1844.

CHAPTER 21.

AN ACT to amend the law in relation to the town of Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act to amend and reduce into one the several acts concerning the town of Bowlinggreen, and to change the time of the election of Trustees of the town of Burksville," approved, January 21, 1843, so far as relates to the town of Bowlinggreen, be, and the same is hereby repealed, and that all laws in relation to said town

of Bowlinggreen, which were in force at the time of the passage of said recited act, and which were, by said act repealed, be, and the same are hereby revived and re-enacted.

Approved, January 12, 1844.

1844

CHAPTER 22.

AN ACT to change the name of Read Hall Blanton to Samuel Theobald Blanton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Read Hall Blanton, be, and the same is hereby changed to Samuel Theobald Blanton.

Approved, January 12, 1844.

CHAPTER 23.

AN ACT for the benefit of Julia Ann and Eliza H. Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William R. Payne, statutory guardian of Julia Ann Green and Eliza H. Green, be, and he is hereby authorized to vest, in the purchase of a house and lot in the town of Bowlinggreen, so much of the funds of his aforesaid wards, as may be necessary for that purpose, taking the title to said house and lot, when purchased, to the aforesaid Julia Ann and Eliza H. Green: *Provided*, That said purchase and conveyance shall be approved by the Judge of the Warren Circuit Court.

Approved, January 12, 1844.

CHAPTER 24.

AN ACT for the benefit of Neale A. McMillan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Hancock county may, if they think proper, grant letters of administration to Neale A. McMillan, on the estate of his late mother, Susan McMillan, deceased, and administration, with the will annexed, on the estate of his deceased brother, Archibald McMillan, upon his executing bonds, with good security; and the said Neale A. McMillan is hereby declared to have capacity and right to execute such bonds, and duly administer said estates, in as full and perfect a manner as if he were of full age, and all the actings and doings of the said Neale A. McMillan shall be binding upon him and his securities.

Approved, January 12, 1844.

LAWS OF KENTUCKY:

1844

CHAPTER 25.

AN ACT to enlarge the first Constable's district in Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following shall be the boundary of the first Constable's district in the county of Oldham: beginning at the mouth of Patton's creek, on the Ohio river, and with the meanders of said creek, and the Trimble and Henry lines, to where the Henry county line crosses Harrod's creek; thence down the said creek to the Jefferson county line; thence with said line to the mouth of Pond creek, on the Ohio river; thence up said river to the beginning.

Approved, January 12, 1844.

CHAPTER 27.

AN ACT for the benefit of Dorothy H. Inman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Dorothy H. Inman, of the county of Logan, be, and she is hereby authorized to remove with her to the State of Missouri, six negro slaves, assigned to her as dower slaves, in the estate of her late husband, Henry D. Inman, deceased: *Provided*, That before the said Dorothy H. Inman shall be permitted to remove said slaves, she shall execute bond with good and sufficient security, in the County Court of Logan, in a penalty equal to double the value of said slaves, conditioned, that the said slaves shall not be removed out of the State of Missouri, and that they shall, together with their increase, or such of them as shall be living, be surrendered to the person or persons entitled to the reversionary estate in said slaves, at the death of the said Dorothy H. Inman.

Approved, January 12, 1844.

CHAPTER 28.

AN ACT to enlarge the Lafayette Precinct, in the county of Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Lafayette precinct, in the county of Barren, be enlarged, so as to run from the Blacksmith's shop of B. L. Graves, with the Tobacco road to the Columbia road; thence with the Columbia road to the county line, so as to intersect the original line.

Approved, January 17, 1844.

CHAPTER 29.

1844

AN ACT for the benefit of William T. Samuels:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the County Court of Bullitt county, to appoint William T. Samuels to the office of Constable, in said county, a majority of the Justices concurring therein, and may permit him to execute bond, as a Constable, in said County Court; and such bond, executed and acknowledged by the said Samuels and his securities, shall be as binding, and have the same force and virtue in law, as if the said Samuels was over the age of twenty one years.

Approved, January 17, 1844.

CHAPTER 30.

AN ACT to incorporate the town of Murry, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Murry, in the county of Calloway, shall be, and the same is hereby established, upon the plan formed and laid down by the proprietors thereof.

Town estab-
lished.

SEC. 2. That it shall be lawful for the free white male inhabitants, over the age of twenty one years, residing in said town, and the owners of lots therein, being free persons, and over the age of twenty one years, to meet on the first Monday in May, in the year eighteen hundred and forty four, and on the same day in every year thereafter, at some convenient place in said town, and proceed to elect five Trustees for said town, who shall hold their offices for one year next after their election, or until their successors are duly chosen and appointed; and all elections for Trustees shall be conducted under the direction of any Justice of the Peace for said county, who shall act as Judge therein; and said Trustees so elected, before they enter upon the discharge of their duties, shall take an oath, before some Justice of the Peace of said county, truly and faithfully to perform the duties enjoined on them as Trustees. Said Trustees and their successors, shall be a body politic, and by the name and style of the Trustees of the town of Murry, may contract and be contracted with, sue and be sued, plead and be impleaded, in courts of law or equity within this Commonwealth; and the said Trustees shall have power to pass all by-laws and ordinances necessary for the improvement, regulation, well being, and advancement of the interest and morals of said town: *Provided,* The same be not inconsistent with the constitution of the United States, or the constitution and laws of this Commonwealth.

Trustees to be
elected.Powers of the
Trustees.

SEC. 3. That said Trustees shall be, and are hereby authorized to receive, by purchase or donation, any lot or lots of ground, in and near said town, for the purpose of the erection,

Trustees may
build market
house, &c.

1844**May levy a tax.**

of a market house, school house, meeting house, or any other necessary public buildings, and may order and provide for, and contract for the erection of the same; and they shall have power to assess a poll tax on the legal tithables of said town, not exceeding fifty cents on each, and an ad valorem tax on the real, personal, and mixed estate within said town, that is now taxed by the revenue laws of this Commonwealth, not exceeding fifty cents on each hundred dollars worth of property; they shall have power to contract for the improvement of springs, the grading and improving of the streets and alleys, and paving of side walks in said town; they shall have power to levy and collect from the owner or owners, or managers of all exhibitions of animals, and shows of every description, within the limits of said town, any amount not exceeding twenty dollars for each show or exhibition; and they shall have power to pass by-laws to suppress racing or running of horses within the limits of said town, and to prevent all other disorderly conduct or practices within the same, and

And improve the town by levying a tax.

for a breach of any of the by-laws and ordinances, said Trustees shall have the right to maintain an action to recover a fine of not less than one dollar, nor more than ten dollars therefor, against any person or persons so offending, before any Justice of the Peace within this Commonwealth. The said Trustees shall appoint one of their own body as Chairman, who shall preside over the meetings, keep order, call a meeting of the Board at any time; and a majority of said Trustees shall be required to transact business, and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by the said Trustees, shall be by them appropriated in the purchase and improvements before directed.

May pass by-laws and ordinances.

Sec. 4. That said Board shall elect a Clerk, who shall continue in office for one year, and until another is duly appointed, whose duty it shall be, to preserve and safely keep all papers belonging to, or filed with said Board, and record all the proceedings thereof, in a book to be furnished by said Board for that purpose, and shall copy and certify all records and ordinances that may become necessary, and record a map or plan of said town, when made out and furnished, and which shall, also, be recorded in the County Court Clerk's office.

Clerk to be elected and his duties.

Sec. 5. That said Trustees shall appoint an assessor, to assess the persons and property within said town, liable to taxation, and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

May elect assessor.**Collector to be appointed and his duties.**

Sec. 6. That said Board shall have power to appoint a Collector, who shall have power and authority to collect, distress or otherwise, the taxes levied on the persons and property within said town, as before directed; and before said Collector shall proceed to the performance of the duties herein prescribed, he shall execute bond before said Trustees, in such penalty as said Board shall direct, with sufficient security or

securities, to be approved of by them, payable to said Trustees, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct, and for any breach of the condition of said bond, said Trustees shall have power and authority to move against said Collector and his securities, by suit on his bond, or motion in any of the Circuit Courts of this Commonwealth, and by the judgment of said court, recover against said Collector and his securities, any amount of money that may be due from him, with twenty per centum damages thereon, and shall have execution therefor against them; and the Clerk of such court shall endorse thereon, no security of any kind shall be taken.

1844

Sec. 7. That the said Board shall have authority to appoint a Treasurer and all other subordinate officers, and prescribe their several duties, and to fill all vacancies that shall occur in the Board, by death, resignation, or refusal to qualify.

Treasurer to
be appointed
and his duties.

Sec. 8. That the proprietor or proprietors of said town, shall execute bond in the penalty of three thousand dollars, in the County Court of said county, with two or more securities, to be approved of by said court, conditioned to re-pay to any person or persons who may have an adverse superior claim, in law or equity, to the land in said town, and who may, by proper judicial proceedings, in any court having jurisdiction thereof, recover the said land in said town, the money which may, from time to time, be received from the sale of any of the lots in said town, by the present proprietor or proprietors, their heirs, executors, and administrators, or their assigns.

Proprietors to
execute bond.

Sec. 9. *Be it further enacted*, That the free white males over twenty one years of age, living within one mile square of the Court House in Bardstown, shall have a right to vote at the annual elections of Trustees and Marshal of said town.

Persons living
in one mile
of Bardstown
may vote for
officers.

Approved, January 17, 1844.

CHAPTER 33.

AN ACT to establish an election precinct at Middleton, in Logan county, and to change the place of voting at the Rabbitsville precinct, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That that there be, and is hereby established, an additional election precinct in the county of Logan, at Middleton, and that the place of voting therein be at the house of Reuben Myrick, and that the County Court of said county appoint the necessary officers to conduct the elections to be held at said precinct, who shall be governed by the laws now in force in relation to elections.

Precinct in
Logan.

Sec. 2. That the election precinct heretofore held at Robert Neely's, in the said county of Logan, and known by the name of the Rabbitsville precinct, be changed from the house of

Precinct in
Logan chang-
ed.

1844 said Neely, to the house of David Epley, in said county, about three fourths of a mile from the said Neely's.

Precinct changed in Rockcastle. **Sec. 3.** That the election precinct at John Haley's, in Rockcastle county, shall hereafter be held at the house of James Loman's.

Approved, January 17, 1844.

CHAPTER 34.

AN ACT for the benefit of the Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Laurel county shall have until the first day of March next to return his delinquent list for the year eighteen hundred and forty two.

Approved, January 17, 1844.

CHAPTER 35.

AN ACT for the benefit of Martha Tate.

WHEREAS, it is represented that Francis Tate, of Todd county, died intestate, leaving a widow and six children, some of whom are infants; that said Francis Tate left, as part of his estate, two negro girls, and the widow, Martha Tate, believing it to the interest of the children, who are infants, living with her, to purchase a small tract of land in the county of Montgomery and State of Tennessee, containing seventy acres, as a home for herself and family, and the said Martha Tate having purchased the land from W. B. Carney, but she is unable to pay for the same, and wishes to sell one of said negro girls, named Barbara, to pay for said land—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Martha Tate may file her petition, making the children and heirs of Francis Tate parties, in the Todd Circuit Court, setting out the facts in her petition, and if said court, on proof made, shall believe it to the interest of said heirs, may order a sale of said slave Barbara, and cause the money arising from the sale, so far as the infants' share of said money, to be invested towards paying for said land, and the title of said land shall be taken and made to such of the said infant and adult heirs whose money may be paid therefor.

Approved, January 17, 1844.

CHAPTER 37.

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AN ACT to establish an additional election precinct in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established, in the south west corner of Mercer county, an additional election precinct, and the place of voting shall be at the place known as Benton, and in the house now occupied by John Leonard, Esq.; and it shall be the duty of the County Court of Mercer county to appoint a Clerk and Judges for said precinct, and the taking of votes at said place of voting shall, in all respects, be regulated by the laws now in force on the subject of elections.

Approved, January 17, 1844.

CHAPTER 38.

AN ACT to abolish an election precinct in the county of Casey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws which establish an election precinct at the house of Lucretia Riggins, in the county of Casey, be, and the same are hereby repealed.

Approved, January 17, 1844.

CHAPTER 39.

AN ACT for the benefit of C. Nourse, administrator of J. Beam, deceased.

WHEREAS, it is represented to the present General Assembly, that Jacob Beam departed this life in the month of October, 1843, in the county of Washington, where he resided, and that administration was granted by the Washington County Court, on his estate, to Charles Nourse, a citizen of Nelson county, and that a part of the estate and most of the creditors of said Beam, are in the county of Nelson, and it will be necessary, in the course of administration of said estate, for the administrator to file his bill in chancery against the heirs, distributees and creditors of the said decedent, under the act of Assembly of this Commonwealth, entitled, an act to regulate the administration and settlement of estates, approved, February 20, 1839—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said administrator to exhibit his bill in chancery, in the Nelson Circuit Court, against the heirs, distributees, and creditors of Jacob Beam, deceased, and the Nelson Circuit Court shall have as full and ample power and jurisdiction to hear, try, and finally determine the said cause, as the Washington Circuit Court would have, if the bill in chancery were filed in that court, under the above recited act.

Approved, January 17, 1844.

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CHAPTER 41.

AN ACT establishing election precincts in the counties of Crittenden and Union.

Crittenden. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct is hereby established at the Hurricane Meeting House, in Crittenden county.

Union. *Sec. 2. Be it further enacted,* That an election precinct be established in the county of Union, to be held at the house of William F. Holeman, in said county.

Approved, January 17, 1844.

CHAPTER 43.

AN ACT for the benefit of the Union Fire Company, in the City of Lexington.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the members of the Union Fire Company, in and for the City of Lexington, shall be, and they are hereby exempted from the payment of militia fines in time of peace: *Provided*, They perform their duty as firemen, in conformity to the constitution and by-laws of said fire company: *And provided further*, That the names of such members shall be, by the officers of said Fire Company, reported to the captains of the respective militia companies of the 42d regiment, on or before the first of March in each year.

Sec. 2. That all laws or parts of laws coming within the purview of this act, be, and the same are hereby repealed.

Approved, January 17, 1844.

CHAPTER 45.

AN ACT to amend the charter of the City of Covington.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the books of assessment for the revenue taxes of the City of Covington, shall be, hereafter, returned to the Board of President and Common Council, by the assessor, on or before the thirtieth day from the time of his appointment, in each year.

Sec. 2. That after said assessment shall have been received by said Board, and approved by them, the City Clerk shall proceed and make out and sign, officially, a tax bill against each person assessed with taxes, and deliver said bills over to the City Treasurer, within twenty days after said Clerk shall have been ordered to make them out by said Board; and in making out and taking the Treasurer's receipt for said bills, the Clerk shall be governed by the provisions of the act or acts now in force, except as to the time of delivering said tax bills.

Sec. 3. That whereas, there exists some doubts as to the true corporate name of said City, it is now declared that the said corporate name of said City, is, and shall be, "The President and Common Council of the City of Covington," by which name and style said City shall act, and be known for all purposes, and in all business, as well in courts of Justice as out of the same.

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Approved, January 17, 1844.

CHAPTER 46.

AN ACT to provide for the partition of the real estate of Joseph McCalister, deceased.

WHEREAS, the said Joseph McCalister died intestate, seized and possessed of a large amount of real estate, part of which is situate in the State of Kentucky, and the residue in the State of Indiana; and whereas, it is desired by the husbands of three of the children and heirs of the said Joseph, as well as by the said two heirs, and the mother and guardians of the other two, (the heirs of the said Joseph being five in number,) that the portion of one or more of the said heirs should be set apart, if practicable, in the lands situated in this State exclusively, and the portions of the residue in those situated in Indiana, in order that each may have his or her share in one body: and whereas, the said heirs are all minors, incapable of contracting in the premises—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any three or more of the said heirs may apply, by petition, to the Circuit Court of Henderson county, by themselves or their husbands or guardians, as the case may be, for a partition, as well of the lands lying in this Commonwealth, as of the lands lying in Indiana, giving ten days' personal notice of such application, to such heirs as may not join in such petition, which notice may be served by the Sheriff.

Heirs may file petition.

Sec. 2. That upon the filing of such petition, and notice having been given as aforesaid, the said Court shall appoint one disinterested freeholder, resident in Henderson county, not of kin to any of the parties interested, as Commissioner, to act with a like Commissioner to be appointed by the Vanderburg Circuit Court, in the State of Indiana, and the two thus appointed, shall select a third disinterested freeholder, to act as Commissioner in conjunction with them.

Commissioners to be appointed.

Sec. 3. The Commissioners appointed, as aforesaid, shall make partition of all the lands and tenements of which the said Joseph McCalister died seized and possessed, as well in this Commonwealth as in Indiana, setting apart, if they think proper, to one or more of his heirs, his, her, or their share or proportion in the lands situated in this Commonwealth, if the same be of sufficient amount and value, and setting apart to

Duty of the Commissioners

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each of the said heirs, an equal proportion in value, of all the said lands and tenements, to be held in severalty.

Commissioners
to report to
court.

Sec. 4. That at such time as the said courts may respectively order, the Commissioners shall report to the Vanderburg Circuit Court, and to the Henderson Circuit Court, which report shall be in writing, and verified by the oaths of the Commissioners, in which a particular description of the tract or tracts of land set apart to each heir, shall be given.

Report of Com-
missioners to
be recorded.

Sec. 5. That said reports, upon being approved of by said courts respectively, shall be recorded, at full length, on the records of said courts, and thenceforth each heir of the said Joseph, shall absolutely have, hold, possess, and enjoy, in severalty, such tract or tracts of land as may be so set apart to him or her.

Sec. 6. If the Commissioners find it impracticable to make a just partition, by giving one or more his or her whole share in the land in this Commonwealth, then partition may be made as if all the lands were in one State.

Sec. 7. If there be one or more fractions or pieces of land that cannot, without injury or injustice, be set apart or divided, the same may remain undivided, to be disposed of according to law.

Widow may
join in divis-
ion.

Sec. 8. The widow of the said Joseph may, if she please, join in the said petition, and should she do so, and pray that her dower may be assigned to her, the said Commissioners shall assign to her her dower, as well in the lands in this Commonwealth as in those in Indiana, and may assign to her for her dower, lands in either of the States exclusively, or a part in each State, as justice may require.

If Commis-
sioner die another
may be ap-
pointed.

Guardian may
join in said pe-
tition.

Sec. 9. If any Commissioner appointed, as aforesaid, should die, or fail or refuse to serve, another Commissioner may be appointed in the same manner that he was, to act in his stead.

Sec. 10. The guardian of any one or more of the said heirs, may join in the said petition, and if they, or either of them, or the said widow, shall fail to do so, the said widow and every such guardian so failing, shall be made defendant to such petition, and have ten days' notice of the application for partition, and every such notice, whether to heirs, or guardians, or widow, may be served by the Sheriff, or by some other disinterested person, who shall make affidavit of such service.

Sec. 11. This act shall be in force from and after its passage, if a similar act of the Legislature of Indiana has been passed, if not, then from and after the passage of such an act, for the same purpose, by the Legislature of Indiana.

Approved, January 17, 1844.

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CHAPTER 50.

AN ACT for the benefit of Mechanics and others, of the City of Louisville and counties of Jefferson, Calloway and Marshall.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act of 1831, giving to the mechanics and others of the City of Louisville, a lien on buildings erected by them within the limits of said city, shall be so amended, as that the lien of mechanics and others shall be extended to any buildings hereafter erected within the limits of Jefferson county.

Jefferson.

Sec. 2. *Be it further enacted,* That the provisions of the above recited act shall apply to the counties of Calloway and Marshall, in the same manner, and to the same extent as it does to the City of Louisville. Calloway and Marshall.

Approved, January 20, 1844.

CHAPTER 51.

AN ACT for the benefit of Peter Berry, Coroner of Union county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the application of Peter Berry, Coroner of Union county, it shall and may be lawful for the County Court of said county to qualify some fit person as deputy Coroner of said county, who is hereby authorized to perform and discharge all and every act and duty that a Coroner now, by law, rightfully might do; and said Berry and his sureties, are hereby made and held responsible for the official acts of such deputy.

Sec. 2. That after a Sheriff of said county shall have been duly qualified, that said powers and appointment of such deputy Coroner shall cease and determine.

Approved, January 20, 1844.

CHAPTER 52.

AN ACT for the benefit of Ira H. Sibley, a Lunatic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any two Justices of the Peace in Shelby county, to issue their precept to the Sheriff of said county, to empanel a jury to inquire into the State of the mind of Ira H. Sibley, a Lunatic, confined in the jail of said county; and the said Justices shall have the same power and authority in said case, as the Circuit Court, and the finding of said jury, before them, shall have the same force and effect as if in the Circuit Court, and if the jury, on the trial of the facts, find the said Sibley to be a Lunatic, the said Justices shall make an order for the conveyance of said Sibley to the Lunatic Asylum at Lexington, and the keeper or

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manager of said Asylum shall receive said Sibley into said Asylum, and the same allowance shall be made and paid to the committee who may convey said Sibley to said Asylum, as now allowed by law, where the inquisition is had in the Circuit Courts.

Approved, January 20, 1844.

CHAPTER 53.

AN ACT for the benefit of Hiram Begley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Hiram Begley, Deputy Sheriff of Jeremiah C. Combs, late sheriff of Perry county, and also Deputy of Wm. Begley, Sr., late Sheriff of Perry county, have the further time of one year, to make out and list his fee bills, as Deputy Sheriff, for collection.

Approved, January 26, 1844.

CHAPTER 54.

AN ACT for the benefit of Thomas Gore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue his warrant on the Treasury, in favor of Thomas Gore, for the sum of twenty dollars, payable out of any money in the Treasury not otherwise appropriated.

Approved, January 26, 1844.

CHAPTER 55.

AN ACT for the benefit of Martha Spurlock and Rachel Moore.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Martha Spurlock, of the county of Owsley, be changed to that of Martha Gilbert.

Sec. 2. Be it further enacted, That the name of Rachel Moore, of the county of Madison, be changed to that of Rachel Wheeldon, and that she be hereafter known and called by that name.

Approved, January 26, 1844.

CHAPTER 56.

AN ACT for the benefit of Marion Williams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Marion Williams, of Livingston county, be changed to that of Marion Watts, and

she is hereby legitimated and made capable in law, to inherit her distributive share of her father, David Watts' estate, as much so as if she had been born in lawful wedlock.

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Approved, January 26, 1844.

CHAPTER 58.

AN ACT for the benefit of the Sheriff of Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months be allowed to J. C. Bukey and Caleb Wise, Deputy Sheriffs of H. F. Kalful, late Sheriff of Bullitt county, to collect the balance of the county levies and fee bills uncollected by them.

Approved, January 27, 1844.

CHAPTER 61.

AN ACT to establish an election precinct in McCracken county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct is hereby established in McCracken county, at the house of H. C. Pitt.

McCracken.

Sec. 2. That an additional election precinct be established in Larue county, and the place of voting therein shall be at the house of George W. Upton; and the County Court of said county shall appoint the necessary officers to conduct all elections at said precinct, who shall be governed by the laws now in force in relation to elections.

Larue.

Sec. 3. That the election precinct held at the house of Thompson Hamby, in Hopkins county, be, and the same is hereby changed to the house of Edward Earle, in said county.

Hopkins.

Sec. 4. That the place of voting in Crittenden county, be changed from the Cross Keys, to the town of Marion.

Crittenden.

Sec. 5. That instead of the election being held for the Straight creek precinct, in Harlan county, at the house of Jefferson Perciful, as now required by law, the same shall in future, be holden at the house of William Harklerodes, in Harlan county, subject to all rules and regulations now prescribed by law.

Harlan.

Sec. 6. That the place of voting in the Bloomfield precinct, in Nelson county, be changed from the house of John T. Brown, to the tavern house of Henry Tinsley, in said town.

Nelson.

Sec. 7. That the place of voting in Napoleon, in Gallatin county, be, and the same is hereby changed to the house of S. Berkley.

Gallatin.

Approved, January 27, 1844.

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CHAPTER 64.

AN ACT for the benefit of Jacob Bowe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between Jacob Bowe and Sally Swain, be, and the same is hereby legalized, and that their seven children, named John, James, Lucy, Pinckney, Fayette, Almarire, and Marshall, be, and they are hereby legitimatized and vested with all the rights and privileges which would have belonged to them if they had been born in lawful wedlock.

Approved, January 27, 1844.

CHAPTER 65.

AN ACT for the benefit of the Owen county Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the title to the Seminary lands which have heretofore been located in the name of, and allowed to the Trustees of the Owen county Seminary, shall be, and the same is hereby vested in James Herndon, Thomas A. Berryman, William Roberts, Farmer Rees, and E. T. Wilhoite, the present acting Trustees of said Seminary, and their successors in office, and they are hereby authorized, a majority of them concurring in the act, to elect two additional persons to act with them as Trustees, as aforesaid, the whole of them to constitute a Board, a majority of whom shall have power to transact business and fill any vacancies which may occur in the Board; and they and their successors in office are hereby vested with full power and authority to sell and convey the said land, or any part thereof, at such time and upon such terms as they may deem most advisable for the interest of the said Seminary. The proceeds arising from the sale or sales of said land, shall be applied, by the said Trustees, towards the erection of a suitable building, and the purchase of proper furniture therefor.

Approved, January 27, 1844.

CHAPTER 66.

AN ACT for the benefit of Aaron Hodges.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Calloway county be, and they are hereby authorized to sell and convey, by certificate of price and payment, to Aaron Hodges, of said county, the vacant quarter section of land on which said Hodges now resides, for any price over five and under twelve and one half cents per acre.

Sec. 2. That it shall be the duty of the Register of the Land Office, upon the production of said certificate to him, to issue a patent for said land.

Sec. 3. That the money arising from the sale of said land, shall be carried to, and constitute a part of, the Internal Improvement fund of the counties west of the Tennessee river.

Approved, January 27, 1844.

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CHAPTER 68.

AN ACT for the benefit of the Jailer of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Jailer of Shelby county, to reside at any place within the limits of the town of Shelbyville.

Approved, January 27, 1844.

CHAPTER 69.

AN ACT to change the Constables' districts in the county of Trimble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constables' districts in the county of Trimble, be so changed as to include the town of Milton in the district Blanford now acts as a Constable, by making the Marquis ferry road, leading from Bedsford to the Ohio river, the dividing line, instead of the Morris ferry road, as is now provided by law.

Approved, January 27, 1844.

CHAPTER 70.

AN ACT to enlarge the boundary of the town of Princeton, in Caldwell county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a further addition be made to the town of Princeton, in Caldwell county, embracing the following boundary, to-wit: beginning at the intersection of Main south and Main cross streets, and running south 70° east, with Main south street, to the extent of the original donation; thence south 20° west, parallel with Main cross street, until it strikes the branch near the Turnpike road; thence with said branch until it intersects another branch, at the Turnpike bridge; thence down said branch until it intersects the town spring branch; and down said spring branch until a line from the same, running north 70° west, will strike the corner of R. A. Patterson's land, at the southern boundary of Prince's addition to said town; from thence to the intersection of

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Main south and Main cross street, shall be as above, added to said town, and that the same shall be subject to all the rules and regulations that the town of Princeton now is, by law.

Sec. 2. Be it further enacted, That an act of the General Assembly, approved, January 30, 1830, which said act excluded the residence of Charles H. Webb, and the lots adjacent thereto, from within the corporate limits of the town of Princeton, be, and the same is hereby repealed, and that the same be again added to the town of Princeton, and subject to the corporate authorities of said town.

Approved, January 27, 1844.

CHAPTER 71.

AN ACT for the benefit of John Ricks.

WHEREAS, it is represented to the present General Assembly, that in the year 1828, John Ricks, of the county of Nelson, by deed of gift, conveyed to his daughter, Jane Ricks, who was of unsound mind, a certain tract of land, containing one hundred and four acres, more or less, and the said Ricks being desirous to sell and convey said land, and apply the proceeds thereof to his said daughter—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Ricks be, and he is hereby fully empowered to sell and convey the land aforesaid, which sale shall be as valid, to all intents and purposes, as if said deed of gift had never existed: *Provided*, He; the said Ricks, shall previously enter into bond, in the Clerk's Office of Nelson County Court, with one or more good securities, in the penalty of twelve hundred dollars, payable to the Commonwealth of Kentucky, conditioned that the proceeds of the sale of the land aforesaid, shall be applied to the use and benefit of her, the said Jane Ricks.

Approved, January 27, 1844.

CHAPTER 73.

AN ACT for the benefit of William Pelfrey, and the widow and heir of Isaac Lemasters, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Pelfrey is hereby authorized to file his bill in chancery, in the Johnson Circuit Court,

Authorizing the court to confirm a parol contract for the exchange of land.

setting forth, substantially, that in the life time of his son-in-law, Isaac Lemasters, the said Lemasters and himself exchanged tracts of land, by parol contract, and that owing to the sudden death of said Lemasters, no legal or equitable transfer was made by either; and on the hearing of said cause, after the widow and the heir at law of said Lemasters shall be legally and properly before the court, and if it shall be proved to the

satisfaction of the court, to be fair and equitable, and to the interest and ultimate advantage of the infant heir of said Lemasters, that said parol contract should be executed, then the chancellor of the Johnson Circuit Court shall, by his decree, cause to be made to William Pelfrey, a deed, in fee simple, with a clause of special warranty, to the tract of land exchanged by Isaac Lemasters with said Pelfrey, upon the condition that the said William Pelfrey shall, on the rendering of said decree, make to the son and heir of said Isaac Lemasters, deceased, a deed, in fee simple, with a clause of general warranty to the said tract of land, exchanged with the said Isaac Lemasters, deceased, and acknowledge said deed in open court: *Provided*, That in the tract of land so conveyed by the said William Pelfrey, the widow of Isaac Lemasters, deceased, shall be entitled to her right of dower therin, as fully as if the said tract of land had descended to her and her son from the said Isaac Lemasters.

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Approved, January 27, 1844.

CHAPTER 74.

AN ACT for the benefit of the heirs of Charles H. Davidge, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Agnes Davidge, widow of Charles H. Davidge, deceased, and who is the administratrix of her said husband's estate, having been legally appointed and duly qualified as such by the proper authorities of the State of Indiana, to exhibit her bill in chancery, in the Circuit Court for Trimble county, Kentucky, making Honor Davidge and Charles H. Davidge, infant children of the said Charles H. Davidge, deceased, parties to said bill, alledging in substance, that said decedent died intestate, and that he was greatly embarrassed at the time of his death, and that his personal property is insufficient to pay his just and lawful debts, and that said administratrix may pray the Chancellor of said court, to sell a certain tract or parcel of land, lying and being in Trimble county, Kentucky, which said tract of land the said decedent, Davidge, died seized of one — part, the said land being owned in parcenary by the heirs and legal representatives of Henry Davidge, deceased, the father of the said decedent, Charles; also, the undivided interest of the said decedent, of and into the slaves of the said estate of the said Henry Davidge, deceased, which legally descended to the aforesaid infant children of the said C. H. Davidge, deceased; and it shall be the duty of the Chancellor of the Trimble Circuit Court, at the first term thereof, to appoint three discreet householders of the county of Trimble, who shall inquire into and report, if it shall be to the interest of the said infants' estate, to sell the undivided interest

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of their said deceased father of and to the aforesaid tract or parcel of land and the slaves descended and inherited as aforesaid; and if the Commissioners shall report that it will be to their advantage, it shall be the duty of said Chancellor to decree a sale of said undivided interest of the said infants, to the land and slaves aforesaid, by the administratrix, upon a reasonable credit, and direct a conveyance to be made to the purchaser, retaining a lien for the purchase money: *Provided*, That no sale of said land and slaves shall be made until the said Agnes, administratrix as aforesaid, shall, in the Trimble Circuit Court, enter into bond with security, to be approved of by the Chancellor, conditioned to pay and satisfy the several debts which are due from said estate to certain creditors, as far as the money arising from the sale of said property will go, and with condition, also, to pay over to the guardian of said infants, the residue of the price of said land and slaves, should there be more than will pay the said creditors.

Sec. 2. That some discreet person shall be appointed guardian, *ad litem*, for said infants, after the service of process, whose duty it shall be to look to their interest in said suit, and proof shall, also, be taken to show to the court how it may be for the benefit of the infants to sell said property.

Approved, January 29, 1844.

CHAPTER 75.

AN ACT for the benefit of Wilson L. Biggerstaff, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Wilson L. Biggerstaff, of Monroe county, may appear before the Clerk of the Circuit Court of said county, within thirty days after the passage of this act, and make the affidavit required by the act, entitled, an act to amend the law prohibiting the further importation of slaves into this Commonwealth, approved February 2, 1833; and such affidavit shall be as effectual as if the same had been made in the time prescribed by said act.

Approved, January 29, 1844.

CHAPTER 76.

AN ACT for the benefit of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Glasgow be, and they are hereby authorized to sell, in such manner as they may think proper, by private sale or otherwise, so much of Green street, in said town, as lies between the place where the Nashville Turnpike road leaves said street, and the southern limits of said town; and make to the purchaser a deed to the same, and to appropriate the proceeds of the sale to the

improvement of the streets in said town: *Provided*, That the Trustees, or a majority of them, shall first obtain the written consent of the owner or owners of the lots or parts of lots adjoining that part of said street, that is intended to be sold.

Approved, January 29, 1844.

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CHAPTER 77.

AN ACT authorizing the sale of the old Church and lot, in Ghent, called McCaul's Bottom.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Theoderic Fisher and Walton Craig, Trustees of McCaul's Bottom Baptist Church, at Ghent, in Carroll county, are hereby authorized to sell and convey the old Meeting house and lot on which it is situated, and to collect and receive the money arising from said sale, and apply the same to the building of the new Church, belonging to said congregation: *Provided*, The said Thedoric Fisher and Walton Craig, shall, previous to their making the sale and conveyance herein authorized, file in the Clerk's Office of the Carroll County Court, an abstract of the records of the aforesaid McCaul's Bottom Baptist Church, showing the assent of said Church to the provisions of this act.

Approved, January 29, 1844.

CHAPTER 78.

AN ACT to sever certain lots from the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That lots numbers fifty five, fifty eight, sixty one, and sixty four, in Hubbard Sanders' addition to the town of Russellville, and all the lots in said addition, lying east of said lots numbered as aforesaid, be, and the same are hereby cut off, separated, and disconnected from said town, and shall not, hereafter, be under the control or jurisdiction of the same, in any manner whatever: *Provided*, That the Trustees, or a majority of them, shall first give their assent and enter the same in the order book kept and used by them as Trustees of the town of Russellville.

Approved, January 29, 1844.

CHAPTER 79.

AN ACT to incorporate the New Liberty Library Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present shareholders, and those who may hereafter become shareholders of the New Liberty Li-

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brary Company, be, and are hereby created a corporation and body politic forever, by the name and style of the "New Liberty Library Company," and by that name may buy and receive, sell and convey, hold and have any property, or any other thing, which said corporation may deem necessary for their benefit: and, also, by such name, may sue and be sued, plead and be impled, in all and every court of law or equity in this Commonwealth or elsewhere; and to make and enforce all by-laws and regulations, as may be necessary for the government of said corporation, which are not inconsistent with the Laws and Constitution of the United States, and of this Commonwealth: *Provided*, The capital shall not exceed five hundred dollars.

Approved, January 29, 1844.

CHAPTER 80.

AN ACT for the benefit of the Baptist Church in Bullitt county.

WHEREAS, doubts have arisen whether the Baptist Church in Bullitt county, on Cedar creek, have the right to convey a lot of one acre of ground to Benjamin Summers, in lieu of one acre and a half which the said Summers has conveyed, or is willing to convey to the said Baptist Church—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Gailbreath, Minister of the Baptist Church on Cedar creek, in Bullitt county, shall be, and he is hereby vested with full power to convey the one acre of ground before mentioned, to the said Benjamin Summers, and such conveyance shall be as good and valid in law and equity as if made in any other way; and the said Benjamin Summers may convey to said Church, and said Church receive and hold the one and a half acres, together with the new Church thereon, in said county, on the waters of Sanders' run, and the said conveyance to said Church, their Trustees and their successors in office, shall be good and valid in law, to all intents and purposes: *Provided*, Said Baptist Church shall first give their assent, in writing, authorizing said sale and conveyance, and cause the same to be entered in their record book, and shall file an abstract of said assent in the office of the Clerk of the Bullitt County Court.

Approved, January 29, 1844.

CHAPTER 81.

AN ACT to authorize John K. McClenden to import a slave.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John K. McClenden, of Logan county, be,

and he is hereby allowed to bring into this State, from the State of Tennessee, a negro man of the name of Dembo, for his own use, without incurring the penalties of the law of 1833, prohibiting the importation of slaves into this Commonwealth: *Provided*, He shall, within thirty days after introducing said slave, file and cause to be entered in the order book of the County Court of Logan county, his affidavit, describing said negro, and that he intends to keep him for his own use.

Approved, January 29, 1844.

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CHAPTER 82.

AN ACT for the benefit of the Clerk of the Garrard Circuit Court.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Alexander R. McKee, Clerk of the Garrard Circuit Court, failed to renew his official bond within the time prescribed by law, but at a Circuit Court, held for said county, on the 31st day of August, 1843, he, together with Nelson Burdett, James Kinnaird, Thomas Salter, Jesse Yantis and Jones L. Adams, his securities, executed and acknowledged a bond in the penalty, and with the conditions required by law, a copy of which was entered of record in said court, and the original filed with the Clerk of the Court of Appeals—for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said bond, so executed, as aforesaid, shall be as valid and effectual, from the date and acknowledgment thereof, as if the same had been executed within the time now prescribed by law.

Sec. 2. *Be it further enacted*, That the said Clerk shall hereafter renew his official bond within five years from the date of the bond executed on the 31st day of August, 1843.

Approved, January 29, 1844.

CHAPTER 83.

AN ACT to permit Samuel C. Flowers to import a slave.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel C. Flowers, of Logan county, be, and he is hereby authorized to bring into this State, a negro man by the name of Solomon, without incurring the penalties of the law of 1833, prohibiting the importation of slaves into this Commonwealth: *Provided*, He shall, within thirty days after introducing said slave, file and cause to be entered on the order book of the County Court of Logan County, his affidavit, describing said negro, and that he intends to keep him for his own use.

Approved, January 29, 1844.

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CHAPTER 84.

AN ACT for the benefit of Sally Skinner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thos. R. Skinner, as guardian of Sally Skinner, infant daughter of Isaac Skinner, deceased, shall be, and he is hereby authorized to sell, on a reasonable credit, a certain negro girl, aged about four or five months, which, in the division of the estate of her paternal grandfather, John Skinner, deceased, late of Clarke county in this State, among his heirs, was allotted to the said Sally, as her distributive portion of the negroes belonging to the estate of the said John Skinner, she, the said Sally Skinner, at the death of her said grandfather, and now, being domiciled in the State of Illinois: Provided, That before said Thos. R. Skinner shall be authorized to sell said negro girl, he shall, or some one legally authorized by him, execute bond in the Clarke County Court, with sufficient security, to be approved of by said court, payable to said Sally Skinner, in the penalty of five hundred dollars, with condition faithfully to perform the powers in this act conferred on him, and to account for and pay to said Sally Skinner, on her attaining to the age of twenty one years or marriage, or to her lawful guardian hereafter to be appointed, or to such other person as may be entitled thereto, the net proceeds of said sale, with interest, it appearing that the said Thos. R. Skinner is the guardian of said Sally Skinner, by the appointment of the competent authority in the State of Illinois.

Approved, January 29, 1844.

CHAPTER 86.

AN ACT to amend an act, entitled, an act for the benefit of John W. Flora, approved January 21, 1839.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act for the benefit of John W. Flora, approved January 21st, 1839, be so modified as to change the name of said John W. Flora, to that of James W. Flora.

Approved, January 29, 1844.

CHAPTER 87.

AN ACT to establish a Warehouse on the Cumberland river, in Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be, and there is hereby established, a Warehouse on the land of Henry Bushong, on the Cumberland river, in Monroe county, at the mouth of Ward's branch;

also, an inspection of tobacco, pork, beef and lard, subject to the laws now in force upon those subjects.

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Approved, January 29, 1844.

CHAPTER 89.

AN ACT to change the election precinct held at the Store of N. S. Strange, in the county of Warren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election precinct heretofore held at the Store of N. S. Strange, in the county of Warren, be, and the same is hereby changed to the house of William Wright, in said county.

Approved, January 29, 1844.

CHAPTER 90.

AN ACT for the benefit of the Sheriffs of Jefferson and Madison counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Alexander H. Gailbreath, Sheriff of Jefferson county, is hereby allowed until the first Monday in November next, to return his delinquent list to the Court of Assessment of fines for the 33d Regiment of Kentucky Militia.

SEC. 2. *Be it further enacted,* That the Sheriff of Madison county, be allowed until the first day of April next, to return his delinquent list for muster fines for the year 1843, and to settle with the three Regiments in said county, under the law now in force.

Approved, January 29, 1844.

CHAPTER 91.

AN ACT for the benefit of Travis Wilson, Jesse McIntosh and R. H. Perry.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of seventy dollars is hereby allowed to Travis Wilson, late special Jailer of Shelby county, being for money paid by him to guards summoned to guard James McLaughlin in the jail of said county, confined on a charge of murder; and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 2. *Be it further enacted,* That the Second Auditor be directed to issue a warrant in favor of Jesse McIntosh, of Estill county, for twenty dollars, for his trouble and expenses in pursuing and arresting Simpson Holeman, a refugee from jus-

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tice from Estill county; said Holeman having since been convicted and now confined in the Penitentiary.

SEC. 3. That said Auditor issue a warrant in favor of R. H. Perry, of Covington, for eight dollars thirty two cents, being the amount paid by said Perry to the Jailer of Allegany county, State of Pennsylvania, for dieting Thomas Barnes and James Allison, refugees from justice from Kenton county; said Perry having pursued and arrested the aforesaid felons under a requisition of the Governor.

Approved, January 29, 1844.

CHAPTER 93.

AN ACT to abolish the Pleasant Hill Precinct, in Calloway county, and for other purposes.

Calloway. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Pleasant Hill Precinct, in Calloway, be, and the same is hereby abolished.*

Letcher. *Sec. 2. Be it further enacted, That there shall be an additional precinct established in the county of Letcher, and the place of voting therein shall be at the house formerly owned by John W. Jenkins.*

Calloway. *Sec. 3. Be it further enacted, That there be an election precinct held at Waidsboro, in Calloway county.*

Livingston. *Sec. 4. Be it further enacted, That an election precinct in Livingston county be changed from Oak Ridge, in said county, to Berry's ferry, in said county.*

Approved, January 29, 1844.

CHAPTER 95.

AN ACT appointing Trustees for the Town of Franklin, in Simpson county, and Boston, in Whitley county.

Simpson. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That E. D. Solomon, William H. McGoodwin, Levin Bradley, D. Hail, Jason Neely and P. H. Boiseau, be, and they are hereby appointed Trustees in and for the town of Franklin, in the county of Simpson, who shall continue in office for one year, or until their successors are duly elected; and said Trustees, and their successors, are hereby authorized and empowered to pass all such by-laws and ordinances for the good government, regulation, comfort and convenience of said town, as they may deem right and proper, not inconsistent with the laws and constitution of this State.*

Whitley. *Sec. 2. Be it further enacted, That the County Court of Whitley county is hereby invested and clothed with full and ample power and authority, to appoint five fit and proper persons as Trustees of the town of Boston, in said county; and,*

in making said selection and appointment of Trustees, the court may choose from any citizens of Whitley county, without being confined to citizens or residents of the said town of Boston.

Sec. 3. That said court shall have power to fill all vacancies in said Board of Trustees, which may occur from any cause whatever.

Approved, January 29, 1844.

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CHAPTER 96.

AN ACT to amend an act, entitled, an act to amend the charter of the city of Louisville, and for other purposes, approved March 8, 1843.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the tenth section of the act, entitled, an act to amend the charter of the city of Louisville, and for other purposes, approved March 8, 1843, as provides for the appointment, by the County Court of Jefferson county, of one Inspector of wood, coal and lime, be, and the same is hereby so amended as to authorize the said court to appoint one or two additional Inspectors of wood, coal, and lime, as the said court may deem expedient.

Approved, January 29, 1844.

CHAPTER 97.

AN ACT for the benefit of the devisees and heirs of James Thornton, dec'd.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the devisees for life, or in remainder, or the guardians for the infants, or any one of them, of James Thornton, dec'd, to file a petition or bill in chancery, in the Woodford Circuit Court, setting forth particularly, the lands and slaves devised, and shall file a copy of the will of said James Thornton, dec'd, and shall, in said bill or petition, make all the devisees and heirs parties, and bring them before the court by process; and if it shall appear to the satisfaction of the court, by proof, that it is for the benefit and advantage of the infant devisees and heirs, and all the parties concerned, that said estate shall be sold, and the proceeds divided amongst the devisees and heirs according to their respective rights under said will, the said court may decree a sale thereof, upon such terms and conditions as shall be deemed most advantageous for all the parties interested.

Court may decree a sale of land.

Sec. 2. That before any distribution shall be made amongst the infant devisees and heirs, the guardian of said infants shall execute and acknowledge bond, with good security, such as shall be approved of by the court, and file the same in said court, conditioned to account with and pay over to said in-

Guardian to give bond.

LAWS OF KENTUCKY.

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fants, on their arrival at the age of twenty one years, and if one or more of them are females, then on their marriage, all such sum or sums of money as may come to the hands of said guardian from said sale, and all interest made thereon.

Approved, January 29, 1844.

CHAPTER 98.

AN ACT to establish three election precincts in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be established, in the county of Johnson, three election precincts, one of which shall be held at the house of Nathaniel Baker, another at the house of John Stafford, and another at the house of Henry Janes; and the taking of votes at said precincts, shall, in all respects, be regulated by the laws now in force on the subject of elections.

Approved, January 29, 1844.

CHAPTER 99.

AN ACT for the benefit of Peter Carter, an Idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mark E. Huston, committee for Peter Carter, an Idiot, of the county of Spencer, and in whose hands there is money belonging to said Idiot, to the amount of about four hundred and twenty dollars, be, and he is hereby authorized to invest said money, or a part of it, as may be necessary, in the purchase of a small farm, for the benefit and support of the said Idiot, and when the purchase is made, the land to be conveyed to the said Idiot: *Provided, however,* The said committee shall not be authorized to confirm any such purchase, until satisfactory proof shall be made before the Judge of the Spencer Circuit Court, that it is to the interest and advantage of said Idiot, and said committee is directed, by an order of said court, to confirm the purchase.

Approved, January 29, 1844.

CHAPTER 101.

AN ACT for the benefit of George Morris.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that doubts exist as to the sufficiency of the authentication of a deed recorded in the General Court office, and in the office of the County Court of Henderson, bearing date the ninth day of August, one thousand eight hundred and nineteen, from Thomas Luttrell and Mary Luttrell his wife, of the State of Virginia, conveying to

Preamble.

Charles Buck all the interest, claim, title, and demand, which they have in, or may be entitled to recover of, the estate of John Luttrell, deceased, of North Carolina; which said deed also conveys to the said Buck, all their interest, claim, and demand, in and to a certain portion of the claim to the land purchased by Richard Henderson & Co. of the Cherokee Indians: and whereas, it is also represented that the said Charles Buck has departed this life without having made a will, and that his heirs succeeded, by descent, to all the interest and claims by said deed conveyed to him, and that George Morris purchased the same from the said heirs, for a valuable consideration; and it being further represented to this Assembly, that George Morris has departed this life intestate, leaving an infant son, George Morris, of tender years, to whom the said interest and claims have descended; and it being, also, represented that the original deed is lost, that Thomas Luttrell is dead, and that the residence of his heirs are unknown, and that another deed cannot be obtained from them without great trouble, delay and expense—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the authentication of the deed in the preamble of this act referred to, from Thomas Luttrell and Mary Luttrell his wife, to Charles Buck, bearing date the ninth day of August, one thousand eight hundred and nineteen, and recorded in the office of the General Court, and in the office of the Henderson County Court, shall be as good and valid as if made in strict conformity with the laws of this Commonwealth; and a copy of the record of said deed, with its authentications from the General Court, or from the Henderson County Court, may be read as evidence in any controversy hereafter arising, involving the title, boundary or possession of the lands, or any part thereof, which George Morris, deceased, purchased from the heirs of the said Charles Buck, or those claiming under them, and to which controversy any person claiming by purchase from George Morris, deceased, or George Morris, heir of said George Morris, deceased, or any person or persons claiming under him, may be a party: *Provided*, That this act shall not be construed to extend the authentication of the said deed, so as to make it evidence of a legal title in any controversy arising about lands derived from William B. Smith.

Authentica-
tion of deed
declared valid.

Approved, January 31, 1844.

CHAPTER 103.

AN ACT for the benefit of Willis S. Allen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George Carico, guardian of his brother-in-law, Willis S. Allen, of Adair county, and son of James Allen, deceased, be, and he is hereby authorized to pay over to

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his aforesaid ward, all the money he may have in his hands, as guardian, aforesaid; and the executors of the said James Allen, deceased, are hereby authorized to pay over to said Willis S. Allen, the residue of his portion of said estate, in their or either of their hands, and said payments, when made to the aforesaid Willis S. Allen, by his aforesaid guardian and the executors of said James Allen, deceased, shall, to all intents and purposes, be as effectual and valid as though the said Willis S. Allen had attained twenty one years of age.

Approved, January 31, 1844.

CHAPTER 105.

AN ACT for the benefit of the town of Brandenburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Brandenburg be, and they are hereby authorized to sell, at public or private sale, so much of the alley as lies between lots Nos. 35 and 36, in said town, and to make to the purchaser a good and sufficient deed to said alley, which deed shall vest in the purchaser a complete title to said alley.

Approved, January 31, 1844.

CHAPTER 107.

AN ACT for the benefit of the Methodist Episcopal Church in Richmond.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale of a part of a lot in the town of Richmond, with the appurtenances thereunto belonging, made by Thomas P. Harbour, William Riley, James C. Peacock, Jacob Brillhart, and John Scott, as Trustees of the Methodist Episcopal Church in the town of Richmond, to Richard M. Smith, be, and the same is hereby ratified and confirmed; and the said Harbour, Riley, Peacock, Brillhart, and Scott, are hereby authorized and empowered to make unto the said Smith, his heirs and assigns, such deed of conveyance to said lot of ground and appurtenances, as to them may seem best, which deed of conveyance shall vest the absolute fee simple, in and to said lot of ground and appurtenances, in the said Richard M. Smith, his heirs and assigns forever.

Sec. 2. That the Trustees aforesaid shall appropriate and apply the proceeds of the sale aforesaid, to the use and benefit of the said Methodist Episcopal Church in the town of Richmond.

Approved, January 31, 1844.

CHAPTER 109.

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AN ACT for the benefit of the devisees of Carter Tadlock, deceased.

WHEREAS, it is represented to the present General Assembly, that Carter Tadlock died in Oldham county, in the year 1835, first publishing his last will and testament, by which he appointed four executors, two of whom resided in Oldham and two in Mercer county; that the executors in Oldham were directed to settle the testator's business in that county, and then transfer the remaining effects to the executors residing in Mercer county; that both of the executors in Mercer have died, and their representatives refuse to interfere or to transact any of the business relating to the estate of said Carter Tadlock, deceased; and as it moreover appears that the widow and children of said Tadlock, who are the devisees under said will, all reside in Boyle county, (formerly Mercer,) and that it is manifestly to their interest that an administrator with the will annexed, should be appointed in Boyle county—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Boyle county, is hereby authorized to grant administration, with the will annexed, upon the estate of said Carter Tadlock, deceased, in the same manner as if the said testator had been domiciled and died in that county; that any administrator or administrators who may be appointed as above authorized, shall have the same power and authority, under the will of said Tadlock, as Samuel Ewing and Robert Knox, the deceased executors would have had, if they had lived. And upon administration being granted by the County Court of Boyle county, as herein authorized, it shall be the duty of the executors residing in Oldham county, to transfer to such administrator or administrators, all the estate remaining in the hands of said executors, in the same manner they could have transferred the same to the executors residing in Mercer county, if they had not died; *Provided, however,* That before the County Court of Boyle shall act in the matter, an official copy of the will of said Carter Tadlock, deceased, shall be presented to said court, and an order made directing its registration by the Clerk thereof: *And provided, also,* It shall appear to the satisfaction of said court, that the representatives of Samuel Ewing and Robert Knox have declined and refused to carry into effect the provisions of the will of said Carter Tadlock, deceased.

SEC. 2. *Be it further enacted,* That any bond or bonds which any administrator or administrators, and his or their sureties, may execute in the Boyle County Court, shall be as valid and binding as if said Carter Tadlock had died in that county.

SEC. 3. *And be it further enacted,* That the administrator or administrators herein authorized to be appointed, shall have power to demand, sue for, and receive from the representatives

County Court
of Boyle may
grant adminis-
tration of his
estate, &c.

Proviso.

Bonds of ad-
ministrator va-
lid.

Administrator
may sue former
executors.

1844 of said Ewing and Knox, any estate which they or either of them may have received in their lifetime, under said will.

Approved, January 31, 1844.

CHAPTER 110.

AN ACT to authorize Letitia J. Herbst to convey her claim of dower in the estate of George Herbst, a bankrupt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Letitia J. Herbst, the wife of George Herbst, a bankrupt, late of the City of Maysville, to release and convey unto Henry Waller, the assignee in said case, or to any other assignee the court may appoint, all her right of dower in and to the estate of said George Herbst, and the said Letitia J. Herbst may acknowledge the said deed before the Clerk of the Mason County Court; and upon the Judge of the District Court of the United States for the Kentucky District, making, in said case of bankruptcy, what said court may deem an adequate provision for said Letitia J. Herbst in lieu of dower, the said deed shall be effectual to pass to the assignee in bankruptcy, in said case of Geo. Herbst, all the dower claim and interest of said Letitia J. Herbst, in and to the estate of said George Herbst, the bankrupt.

Approved, January 31, 1844.

CHAPTER 112.

AN ACT to authorize Henry Gale, administrator of John Gale and Ann E. Gale, Guardian, to convey part of lot No. 64, in Morganfield, to Peter C. Holt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Henry Gale, administrator of the estate of John Gale, deceased, and Ann E. Gale, widow of said decedent, and guardian of Claiborne H. Gale and John Gale, infant heirs of said decedent, to file their bill in the Union Circuit Court, against Peter C. Holt, alledging therein, that said estate will be insufficient to pay and satisfy the debt due by it, and that said Holt holds a note on said estate, for the sum of five hundred and fifty one dollars and sixty six and one third cents, it being the consideration of a part of lot No. 64, in the town of Morganfield, that said decedent purchased in his lifetime, from said Holt and one Berry Hodges, and upon process being served, and the answer of said Holt coming in, and said Holt agreeing to take said lot back for the remaining balance of the purchase money due him, with such reasonable rent as may be justly due him for the use and occupancy of said purchased premises; and if the said court shall be of opinion from the testimony that may be adduced,

that it will redound to the interest of such infants, to rescind and cancel the contract aforesaid, it shall be lawful for said chancellor to render a decree, directing a re-conveyance of said part of lot from said infants to said Peter C. Holt, and that Holt surrender to said administrator or guardian, said bond of \$551 and 66 $\frac{1}{2}$ cents, or make such other orders and decrees in the premises, as shall seem most advantageous to said infants: *And provided, further,* That nothing in chancery practice shall prevent the decree being entered the first term, provided the consent of the parties be entered.

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Approved, January 31, 1844.

CHAPTER 113.

AN ACT to incorporate the town of Minerva, in the county of Mason.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town laid off at the forks of the road leading from Washington in said county, to the town of Dover, and to the town of Augusta, in the county of Bracken, and known by the name of Minerva, be, and the same is hereby established by that name, to the extent of one half mile in length, running parallel with the Washington and Dover road, and to extend one fourth of a mile in width, having the cross streets in said town as the centre of said tract.

Town established and boundary.

Sec. 2. That Alfred Seward, Ostrander Coburn, William H. Robertson, Samuel Shockley, and William Phipps, are hereby constituted and appointed Trustees for said town, who shall continue in office twelve months after the first day of March of the year eighteen hundred and forty four.

Trustees appointed.

Sec. 3. That it shall and may be lawful for the free white male inhabitants of said town, over the age of twenty one years, to meet on the first Monday in March, in the year 1845, and every year thereafter, at such place as may be designated by the Trustees of said town, and choose by vote, *viva voce*, five fit persons for Trustees, to serve for one year thereafter, and until their successors are duly elected.

Trustees, when to be elected.

Sec. 4. That said Trustees shall appoint a town Clerk, who shall continue in office until the election succeeding his appointment, and in like manner each new Board of Trustees shall appoint a Clerk, to serve for the same time, whose duty it shall be to keep a fair record of the proceedings of the Trustees, and give public notice, by advertisement in said town, at least ten days previous to any election for Trustees.

Clerk and his duties.

Sec. 5. That if the citizens of said town shall, at any time hereafter, fail to have an election on the day appointed in this act, that then and in that case, the Clerk or any Trustee may, by giving ten days' previous notice, have an election held for Trustees, which shall be as legal as though it had taken place on the day herein appointed.

Failing to elect Trustees, how to be elected ed.

1844**Trustees may pass by-laws.**

Sec. 6. That the Trustees hereby appointed, and their successors in office, a majority of them concurring therein, shall have power to pass such by-laws for the government of said town and the inhabitants thereof, as to them shall seem expedient and right, provided they be not contrary to the laws and constitution of this State.

Trustees may levy and collect tax.**Trustees may appoint an assessor and his duty.****May appoint a Marshal and his duties.****Vacancies how filled.**

Sec. 7. That the said Trustees, a majority of them concurring therein, shall have power to levy and have collected, annually, a tax on the property in said town, now subject to taxation by the revenue laws of this Commonwealth, and shall, also, have the power to levy and collect a tax, annually, of the tithes in said town: *Provided*, It shall not exceed one dollar on each tithe, and fifty cents on each hundred dollars worth of property, to be appropriated and laid out by them for the improvement of said town: they shall, also, have power to appoint an assessor, annually, who shall be sworn to the faithful and impartial discharge of his duty; it shall be the duty of said assessor to make out and furnish to the Trustees, at such time as they may appoint, lists of taxable property of each individual in said town, with the value attached thereto; and also, a list of the lots and the value thereof, which belong to individuals who do not reside in said town; said Trustees shall, also, have power to appoint a Marshal, annually, whose duty it shall be to collect the taxes assessed on the taxable property and tithes in said town, who shall take an oath, before some Justice of the Peace, and shall give bond and approved security, to the Trustees of said town, for the faithful performance of his duty; and the said Marshal shall have power to make distress and sale, if necessary, in the same manner as now authorized by law in regard to Sheriffs in collecting the revenue and county levy in this Commonwealth; and the Trustees shall allow to the Assessor and Marshal, an adequate compensation for their services, and the said Marshal shall have power, and it shall be his duty, under the direction of the Trustees of said town, to remove all nuisances, filth, or hindrances to the side walks, streets, and alleys; and it shall be the further duty of the Marshal, to apprehend any slave or slaves that may be found in said town, contrary to the provisions of the laws of this Commonwealth now in force, and upon the apprehension of any slave or slaves under this act, by the Marshal, it shall be his duty to take them before any Justice of the Peace in said town or the nearest thereto, who may cause the said Marshal to inflict any number of stripes not exceeding twenty.

Sec. 8. That should the office of Trustee, Clerk, Assessor, or Marshal for said town, become vacant by death, removal, resignation, or any other cause whatever, it shall be lawful for a majority of the Trustees remaining in office, to fill such vacancy, and the person filling such vacancy shall continue in office until the ensuing annual election.

Sec. 9. That in case a Justice of the Peace cannot conveniently be found, before whom to take slaves apprehended as above mentioned, the Marshal shall convene at least three of the Trustees, who may order him, by unanimous vote, to inflict not more than twenty stripes on said offending slave.

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Slaves may be taken before 3 Trustees.

Approved, January 31, 1844.

CHAPTER 114.

AN ACT to authorize the City of Maysville to levy and collect a special tax, to erect a public edifice in said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the City Council of the City of Maysville be, and they are hereby authorized to raise, by taxation of the property that now is, or which may become taxable in said city, a sum not exceeding ten thousand dollars, for the purpose of erecting in said city, an edifice and building, to be used as a City Hall, and for such other purposes as said council may designate: *Provided*, That said tax shall not exceed in amount, more than twenty five cents on the hundred dollars worth of property, real or personal, assessed in any one year.

Approved, February 1, 1844.

CHAPTER 115.

AN ACT for the benefit of the Sheriff of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Sympson, Sheriff of Green county, for the year 1840, be released from all damages chargeable to him, save the legal interest which has been paid.

Approved, February 1, 1844.

CHAPTER 116.

AN ACT for the benefit of John Walden, of Allen county, and William King, of Henry county.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that John Walden, of Allen county, is very much drawn and afflicted with the Rheumatism; that he is in indigent circumstances, with a large and helpless family, but almost wholly incapacitated for manual labor, and that he is of unquestionable integrity and moral character—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the aforesaid John Walden be, Walden may peddle without license. and he is hereby authorized to vend goods, wares and mer-

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chandise, in the county of Allen, without procuring the license required by the existing laws, of pedlers.

King may obtain license for ten dollars.

Sec. 2. *Be it further enacted*, That the Clerk of Henry county be, and he is hereby authorized to issue to William King, a pedler's license, for the county of Henry, upon his paying the sum of ten dollars, which license shall continue in force for one year, and shall be again renewed for a like term, from year to year, as long as the said King may follow the business of a pedler, on payment of a like sum.

Sec. 3. That in case the said King exercises the trade of a pedler, without such license, at any time, he shall be liable to all the penalties and forfeitures now in force against pedlers selling without license.

Approved, February 2, 1844.

CHAPTER 121.

AN ACT for the benefit of the widow and heirs of James W. Buchanan, dec'd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mildred Buchanan, the widow and relict of James W. Buchanan, deceased, and the infant children and heirs of said deceased, by their guardian or next friend, together with the administrator of the estate of said deceased, shall be, and they are hereby authorized to file their petition in chancery, in the Green Circuit Court, for the purpose of having a sale of the land, instead of the slaves belonging to the estate of said deceased, to satisfy the debts against said estate, setting forth therein, a statement of the quantity of land, and its probable value, and the number of slaves, their ages and probable value, with the comparative productiveness of said land and slaves respectively, and the probable amount of debts, after exhausting all means of payment, exclusive of the land and slaves; and the Chancellor of said court, shall, thereupon, appoint three Commissioners, to inquire into the condition of said estate, who shall report thereupon, and also, upon the propriety of the prayer of said petition; and upon said Chancellor, from the statements of said petitioners, the report, in writing, and under the oath of said Commissioners, and such other proof, by affidavit, as may be furnished, being fully satisfied that it will be for the interest of said widow and children, to have a sale of the land to pay the debts against said estate, instead of the slaves thereto belonging, the said Chancellor shall decree a sale of said land, or so much thereof as may be sufficient to satisfy said debts, upon such terms of payment as shall suit the interest and rights of all concerned, and under such regulations in other respects, as comport with the law in relation to the sale of infants' real estate, so far as the same is not changed by the provisions of this act; and all proceedings under this act, necessary to a

decree of sale, may be had at the first term of said court to which the petition aforesaid shall be presented.

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Approved, February 2, 1844.

CHAPTER 123.

AN ACT for the benefit of the Sheriff of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Henry county be, and he is hereby allowed until the first day of May, 1844, to make a return of his delinquent list; and that said Sheriff be, and he is hereby fully authorized and empowered to collect the revenue tax due for the year 1843, in that portion of Trimble which was lately a part of Henry county, and that he be allowed until the 10th day of June next, to pay over the revenue yet uncollected in the said portion of Trimble county.

Approved, February 6, 1844.

CHAPTER 124.

AN ACT for the benefit of Rodes Woods and John Halsell.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Rodes Woods, of the county of Mercer, be, and he is hereby authorized to bring into this State, from the State of Missouri, his two slaves named Nelson and Jim, without incurring the penalties of the law prohibiting the importation of slaves.

Sec. 2. Be it further enacted, That John Halsell, of Todd county, be permitted to bring into this State, a negro girl named Ellen, without incurring the penalties of the act of 1833, against the importation of slaves.

Approved, February 6, 1844.

CHAPTER 125.

AN ACT to establish a Constable's district for the town of Maxville, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established a Constable's district for the town of Maxville, in Washington county, which shall be bounded as follows, viz: beginning at the mouth of the first branch that empties into Long Lick creek, just below Michael House's; thence up said creek with its meanders, to John Graves' mill; thence in a direct line until it strikes Glen's creek at James Cull's; thence down said creek with its meanders, to Philip Burns'; thence in a direct line to the beginning, which boundary includes the said town of Maxville.

Approved, February 6, 1844.

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CHAPTER 128.

AN ACT for the benefit of John G. Morrison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for John G. Morrison to import into this State, for his own use, the following named slaves, viz: Alsey, Isaac, Henry, Samuel, William, Mary, Jane Tresha, an infant, Adeline, Washington, Alsey Jane and Levi: *Provided*, The said Morrison shall make, and cause to be entered on the order book of the Scott County Court, his affidavit, setting forth the names and ages of said slaves, and that he, in good faith acquired, and intends to keep them for his own use.

Approved, February 6, 1844.

CHAPTER 129.

AN ACT to amend the charter of the Paducah Dry Dock, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Chairman and Board of Trustees of the town of Paducah, may erect, in or near said town, a Marine Railway, for the repair and dockage of vessels, steam boats, and all such other water crafts; and said Chairman and Board of Trustees, may appoint all necessary officers

Trustees may
erect a Marine
Railway.May appoint
officers & pass
by-laws.Further pow-
ers of the Trus-
tees.May take bond
and sue for a
breach of the
same.Created a body
politic.

and agents needed in the care and management of said Marine Railway, and in the repair of vessels, steam boats, and all other boats, on said Marine Railway; and may pass all such by-laws, rules and regulations, as they may deem right and proper, for the management of the prudential and fiscal concerns of said Marine Railway, and may fix and determine upon the price to be paid by all vessels, steam boats or other boats, for the use of said Railway; and said Chairman and Board of Trustees, may make all and every contract they deem right and proper, in the management of said Railway, and may purchase all the necessary timber, iron and materials necessary to the building and completion of said Railway; and may lease any lot or piece of ground, or purchase, hold and use any piece of ground or lot they deem necessary to the use of said Railway, and to take bonds with security, in such penalty and with such conditions, as they may name, from any of the officers or agents they may appoint; and for a breach of the condition of any such bond, said Chairman and Board of Trustees, by the name and style of the Chairman and Board of Trustees of Paducah, may put said bond or bonds in suit, and recover on the same; and for all debts due, or demands on account of the repair of any vessel, steam boat, or any other boat, or on account of any contract or agreement made with the said manager or agents of said Chairman and Board of Trustees, relating to said Railway, said Chairman and Board of Trustees, as a body politic and cor-

porate, may sue and be sued, plead and be impleaded, in all courts of law and equity.

Sec. 2. That said Chairman and Board of Trustees shall appoint some suitable person as Manager of said Railway, and some other person as Treasurer of the same; and it shall be the duty of the Manager, to attend to the receiving of vessels and boats upon said Railway, and he shall, in every instance, be paid in advance, or before leaving the ways, the fees for dockage on said ways, and a lien is hereby given upon every vessel, steam boat or other boat, for all fees they may owe for the use of said Railway: *Provided*, If said vessel, steam boat or other boat, is suffered to leave said ways with the consent of said Manager, no lien shall exist in the case.

Sec. 3. The Manager of said Railway shall hold his office during good behavior, and at the pleasure of the Chairman and Board of Trustees; and the said Chairman and Board of Trustees, may sell town bonds, as provided in an act to amend the law incorporating the town of Paducah, and for other purposes, approved January 23, 1843, and invest the proceeds in the construction of said Railway; and all contracts heretofore made by the Chairman and Board of Trustees of Paducah, about the buiding of said Railway, are hereby legalized and made valid in law.

Sec. 4. The Trustees of the Paducah Female Seminary may, with the money in their hands, or that may come to their hands, purchase from the Chairman and Board of Trustees, bonds of the town of Paducah.

Sec. 5. The Chairman and Board of Trustees of Paducah may, as a body corporate and politic, permit to be erected in the yard of said Railway, or any lot near the same, a Foundry, Finishing Shop and Steam Saw Mills.

Sec. 6. Said Chairman and Board of Trustees may allow to the Manager and agents employed by them in the business about said Railway, such salaries as they may deem right, to be paid monthly; and the Manager shall keep a book of accounts, of all the moneys received and paid out; and the Treasurer shall keep a book of accounts, of all money received by him and disbursed; and the Manager, and any two of the Board of Trustees, to be appointed annually by the Chairman and Board of Trustees, shall be a Board of Directors, to whom the management of the prudential and fiscal concerns of said Railway shall be confided; and said Board shall be appointed annually, in each year, on the first Monday in June, and hold their office one year, and until their successors are appointed, and upon the death, removal, resignation or refusal to act, of a Manager, or either of the Directors, said Chairman and Board of Trustees may fill such vacancy for the balance of the term.

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May appoint officers, and their duty.

May sell bonds, and their acts legalized.

Female Seminary may purchase bonds.

May erect a Foundry.

Salary of Manager to be fixed.

Who to constitute a Board.

Officers, how and when appointed.

1844

CHAPTER 130.

AN ACT to establish an additional precinct in Pike county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional election precinct be, and the same is hereby established in the county of Pike, at the house of Isaac Moore, on Elkhorn creek in said county.

Approved, February 6, 1844.

CHAPTER 131.

AN ACT extending the limits of the town of Campbellsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits and bounds of the town of Campbellsville shall be extended in the following manner, to-wit: commencing on the north east corner of the present boundary of said town, running north 55 east, 19 poles, to a rock corner; thence south 35 east, 49½ poles, to a rock corner; thence south 55 west, 19 poles, to a rock, the present south east corner of said town of Campbellsville, in Green county.

Approved, February 6, 1844.

CHAPTER 132.

AN ACT for the relief of the Sheriff of Whitley county, and for other purposes.

Sheriff Whit-
ley.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time until the tenth day of June next, be allowed Daniel Falkner, Sheriff of Whitley county, to return his delinquent list upon the county levy and revenue list for the years 1842 and 1843, and also, until the said 10th day of June next, is allowed him to return and settle his list of defaulting citizens, which had been re-listed with him under the existing laws on that subject.

Sheriff of Da-
vies.

Sec. 2. Be it further enacted, That Jo. M. Potts, late Sheriff of Daviess county, be allowed until the first day of September next, to return his delinquent list for the year 1843, to the Auditor of Public Accounts.

Sheriff of Pike.

Sec. 3. Be it further enacted, That the Sheriff of Pike county be allowed until the tenth day of June next, to return his delinquent list.

Approved, February 6, 1844.

CHAPTER 133.

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AN ACT for the benefit of the Sheriff of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Bath county be, and he is hereby allowed until the sitting of the next Court of Assessment of the sixty fifth regiment of the Kentucky militia, to return his delinquent list of muster fines for the year 1842.

Approved, February 6, 1844.

CHAPTER 134.

AN ACT to legalize the acts of Athelston Owens, as Deputy Clerk of Mason county.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Athelston Owens, Surveyor of the county of Mason, in said Commonwealth, for many years a sworn Deputy Clerk of the County Court of said county, in ignorance of the act of the last session of the Legislature, making the offices of Deputy Clerk and county Surveyor incompatible, approved, January 20, 1843, after the passage of said act, continued to discharge the duties of Deputy Clerk as aforesaid, by taking the acknowledgment of deeds, &c.—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the acts of the said Athelston Owens, as Deputy Clerk of the Mason County Court, done during the year eighteen hundred and forty three, be, and the same are hereby rendered legal and binding upon all parties interested therein, and as valid as though the act referred to in the preamble of this act had never existed.

Approved, February 6, 1844.

CHAPTER 135.

AN ACT to incorporate the town of Manchester, in Clay county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Manchester, in Clay county, is hereby established by the name aforesaid, the boundary of which is as follows, to-wit: beginning at the Cold spring on Goose creek; thence down said creek to the first branch, and up said branch to the Estill road; thence south to the Muddy Gap road; from thence to the river at the lower end of the narrows above Richard Lucas'; from thence down Goose creek to the beginning.

Town established and boundary.

Sec. 2. That the County Court of Clay county, shall appoint five Trustees for said town, and fill vacancies whenever they happen by death, removal, or otherwise.

County Court to appoint Trustees and fill vacancies.

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Trustees incorporated and may levy taxes.

May pass by-laws.

SEC. 3. That said Trustees are hereby made a body politic, with power to levy a tax on the tithables and property of said town, not to exceed fifty cents on each tithe, and twenty five cents on the one hundred dollars worth of property; and are hereby invested with power to contract and be contracted with, sue and be sued, plead and be impleaded, in any matter touching the government of said town, in pursuance of the powers hereby granted.

SEC. 4. Said Trustees are empowered, a majority of them concurring, to pass any laws for the government of said town, not inconsistent with the constitution and laws of this State, and the powers herein delegated, which shall be in writing and recorded by the Clerk of the County Court: *Provided, however,* That no act of said Trustees whatever, shall be binding, unless a majority of them concur therein.

Approved, February 6, 1844.

CHAPTER 136.

AN ACT to incorporate the town of Grayson, in the county of Carter.

Town established.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Grayson, in the county of Carter, be, and the same is hereby established upon the plan, and by the boundaries heretofore laid down by the citizens and original proprietors of said town, which is hereby ratified and confirmed.

Trustees to make deeds.

SEC. 2. That the title to the lots in said town is hereby vested in the Trustees of said town, and it shall be the duty of said Trustees to make a deed or deeds to the purchasers of said lots, when requested by written order from the original owners thereof, and no deed shall pass title without such order.

County Court to appoint Trustees and fill vacancies.

SEC. 3. The County Court, a majority of all the Justices in commission concurring therein, shall appoint five Trustees for said town, and in like manner, shall fill vacancies that may, from time to time, happen, by death, resignation or otherwise.

Trustees may pass by-laws.

SEC. 4. That said Trustees shall have power to make by-laws for the government of said town, not inconsistent with the laws and constitution of this State.

May levy a tax.

SEC. 5. They shall have power to levy a tax on the tithables and real estate of the said town, not to exceed twenty five cents on the hundred dollars worth of property, and fifty cents per tithe per annum, for the purpose of improving said town.

Created a body politic.

SEC. 6. That they shall have power to contract and be contracted with, in all cases that come within the purview of this charter, and to sue and be sued, in the courts of this Commonwealth, having cognizance of the subject matter to be litigated.

SEC. 7. In all cases a majority of said Trustees must concur to make their official acts binding.

Sec. 8. That whenever the citizens residing in said town, or owning town lots therein, four fifths concurring, shall petition the County Court of said County for that purpose, it shall be the duty of said court to make an order that said citizens shall be allowed, annually, to elect their Trustees, and shall make an order specifying the day of the year on which said election shall be held; and in case of a vacancy, the County Court shall appoint a Trustee, whose office shall expire at the ensuing election: *Provided, however,* The Trustees herein directed to be appointed or elected, shall continue in office until others are appointed or elected in their place.

Sec. 9. It shall be the duty of the County Court Clerk, or his deputy, to act as Clerk for said Trustees, and record all their proceedings in a book for that purpose kept.

Sec. 10. The citizens of said town shall be compelled to work on such public road or roads, as the County Court may see proper to allot them, under the general provisions of the law, not to exceed one half mile from said town.

Approved, February 6, 1844.

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Citizens may
elect Trustees,
how and when.

County Court
Clerk to act as
Clerk of Trustees.

Citizens to
work on roads.

CHAPTER 140.

AN ACT for the benefit of Benjamin F. Pew, of Rockcastle county.

WHEREAS, in a suit in chancery in the Rockcastle Circuit Court, John R. Russell, complainant, and the heirs of Joseph Thompson, deceased, were defendants, a decree was pronounced, ordering a sale of a tract of land, including the place whereon the said Thompson died, in Rockcastle county, Josiah Jopling became the purchaser of about one hundred and sixty acres, and sold the same to Benjamin F. Pew—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the assent of said Jopling, Schuyler Barnett, the Commissioner in said decree, be, and he is authorized to convey to the said Pew, all the right and title of the defendants in said land: Provided, It shall appear that the land has not been redeemed as required by law.

Approved, February 9, 1844.

CHAPTER 141.

AN ACT to authorize the establishment of a public Warehouse at the landing of Henry Wright, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established a public Warehouse at the landing of Henry Wright, on the Mississippi river, in Hickman county; and that the County Court of Hickman shall have power to appoint tobacco Inspectors, for

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the purpose of inspecting that article at said Warehouse, under the same rules and regulations that are now in force in this Commonwealth.

Approved, February 9, 1844.

CHAPTER 142.

AN ACT for the benefit of Ann Porter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Ann Porter, of Henderson county, be, and the same is hereby changed to that of Ann McFarland, by which she shall hereafter be known.

Approved, February 9, 1844.

CHAPTER 143.

AN ACT for the benefit of Joel Thomasson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Joel Thomasson to erect a Warehouse on his lands in the county of Franklin, near the mouth of Glenn's creek, on the Kentucky river.

Approved, February 9, 1844.

CHAPTER 144.

AN ACT to establish a Warehouse in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Warehouse be, and is hereby established on the lands of Charles W. Jenkins, on the North side of Big Barren river, at the point of the Island next below Mitchell's Mill, in Warren county.

Approved, February 9, 1844.

CHAPTER 145.

AN ACT for the benefit of the Sheriff of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Owen county shall have until the third Monday in July, eighteen hundred and forty four, to make out and return his delinquent list for the year eighteen hundred and forty three.

Approved, February 9, 1844.

CHAPTER 147.

AN ACT for the benefit of the wife of James D. Anderson.

WHEREAS, it is represented to the present General Assembly, that the wife of James D. Anderson of the town of Newport, Campbell county, Kentucky, is in a state of lunacy, and, in consequence of her deranged condition, it is important that immediate steps be taken to enquire into her condition of mind—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any two Justices of the Peace for Campbell county be, and they are hereby authorized to issue a precept to the Sheriff of said county, directing him to empanel a jury to enquire whether she be or be not of sound mind; said inquest is to be held and conducted in the same manner, as if the Circuit Judge had ordered said inquest; and if she be found a lunatic, the same proceedings are to be had and observed as now provided for by law: *Provided,* That she shall be present when said inquest is held, or shall be served with notice thereof at least five days before said inquest is had.

Inquest of lunacy may be held before a Justice of the Peace.

Approved, February 9, 1844.

CHAPTER 148.

AN ACT for the benefit of the Sheriff of Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Sheriff of Garrard county shall have until the next Court of Assessment of the 26th Regiment of Kentucky Militia, to return his delinquent list of muster fines; and the Paymaster for said regiment shall not, previous to that time, enforce the collection of said fines.

Approved, February 12, 1844.

CHAPTER 149.

AN ACT for the benefit of Thomas Newton Bennett.

WHEREAS, it is represented to the General Assembly, that Thomas Newton Bennett is now confined in the jail of Jefferson county, on a charge of murder, and that he has made repeated but unsuccessful efforts to procure the attendance of his witnesses, who reside in the State of Missouri, from whence he was taken under a demand from the Governor of this State of the Governor of Missouri, that the witnesses are old and infirm, and decline or refuse to attend the trial of the prosecution in the Jefferson Circuit Court, and that without the testimony of those witnesses the said Bennett cannot have a fair trial, and that there is no law to compel or force their personal attendance—therefore,

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*May take
certain depo-
sitions in a
criminal case.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said Thomas Newton Bennett, to take the deposition or depositions of such of his witnesses as may reside in the State of Missouri, and that the said deposition or depositions, when taken and legally certified by two Justices of the Peace before whom they shall be taken, shall and may be read as evidence on the trial of said prosecution, in behalf of said Thomas Newton Bennett, in the Jefferson Circuit Court, as in civil cases: *Provided*, That the said Bennett shall first give his consent, in court, which shall be entered on the order book of said court, that the deposition or depositions that may be taken in the State of Missouri before two Justices of the Peace, and duly certified on behalf of the Commonwealth, may be read as evidence in said prosecution against him: *Provided further*, That the said Bennett shall give the Attorney for the Commonwealth for the Jefferson district, reasonable notice of the time and place of taking such deposition or depositions, and the Attorney for the Commonwealth shall give to the said Bennett reasonable notice of the time and place of taking such as he may deem necessary to take out of the State, to be read as evidence on the part of the Commonwealth in said prosecution: *Provided*, That the said Bennett shall first deposit with the Commonwealth's Attorney in the Louisville Judicial District, the sum of twenty dollars, to pay the fee of Counsel to attend, on behalf of the Commonwealth, to cross examine the prisoner's witnesses, and to take opposing testimony.

Approved, February 12, 1844.

CHAPTER 151.

AN ACT for the benefit of N. M. Bacon, Administrator of John C. Bacon, deceased.

WHEREAS, Nathaniel M. Bacon, administrator of the estate of his father, John C. Bacon, paid to Jacob W. Dellingar, former Deputy Sergeant of James C. Coleman, Sergeant of the Court of Appeals, one hundred and forty three dollars, the amount of a judgment obtained by the Commonwealth against said John C. Bacon and his securities, on his official bond, as Clerk of the Owen Circuit Court, under the impression at the time, that said Dellingar was, at that time, a legally qualified Deputy under said Coleman—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said payment shall go in full discharge and satisfaction of said judgment; and that said Bacon's estate, and his securities, shall be, and they are hereby exempted from all further liability for the same, including the damages recovered by the Commonwealth against said Bacon and his securities.

Approved, February 12, 1844

CHAPTER 154.

AN ACT for the benefit of the late Sheriff of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Barnett, late Sheriff of Christian county, have until the first day of June next, to make a return of his delinquent list.

Approved, February 12, 1844.

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CHAPTER 155.

AN ACT for the benefit of James Herring.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Hopkins county, a majority of the Justices being present, to make an order, granting to James Herring the privilege of erecting a fish dam and trap on Pond river, under such restrictions as shall be deemed necessary by said court: *Provided*, That said James Herring shall, in the County Court of Hopkins county, execute bond, with security, payable to the Commonwealth, the penalty of which is to be fixed by the said court, conditioned that he will remove said dam within thirty days, whenever required to do so by the court: *And provided further*, That the height of said dam shall not exceed two feet.

Approved, February 12, 1844.

CHAPTER 157.

AN ACT for the benefit of Samuel Nelson, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Weir be, and he is hereby released from all responsibility incurred by him in executing his obligation, either to the Commonwealth of Kentucky or the Commissioners of the Lunatic Asylum, for the maintenance of Samuel Nelson, an inmate in said Asylum; and that the State hereafter receive said Samuel Nelson as a pauper in said Asylum.

Approved, February 13, 1844.

CHAPTER 159.

AN ACT to authorize Levi Elliott to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Levi H. Elliott to erect two gates across the county road leading from Bedford, in Trimble county, down the Little Kentucky, to Carrollton,

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in Carroll county, one to be at the lower end of said Elliott's farm, where his line strikes the Little Kentucky river, and the other at his upper line, where it strikes the same; the said gates shall be ten feet wide and kept in good order at all times, by said Elliott: *Provided*, A majority of the County Court of Trimble county shall consent to the erection of said gates, and they shall have power to remove the same at any time.

Approved, February 13, 1844.

CHAPTER 160.

AN ACT for the benefit of Preston Owen, a Justice of the Peace for Shelby county, and Alexander Harcourt, of Spencer county.

WHEREAS, Preston Owen was elected and recommended by the County Court of Shelby county, to the Governor, to be commissioned a Justice of the Peace for the county of Shelby, who was qualified, and acted as such for several years; and whereas, doubts are entertained whether the said Owen was eligible to said office at the time of his appointment—for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts of the said Owen, performed in his official capacity, as Justice of the Peace for Shelby county, shall be as valid, to all intents and purposes, as if there had existed no cause of ineligibility.

Sec. 2. *Be it further enacted*, That the acts of Alexander Harcourt, late a Justice of the Peace for the county of Spencer, shall be as valid, to all intents and purposes, as if there had existed no cause of ineligibility in his appointment as Justice, as aforesaid.

Approved, February 13, 1844.

CHAPTER 161.

AN ACT for the benefit of Eliza A. Roman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Roman, of Fayette county, be, and he is hereby authorized to receive from Joel Bryant, executor of the last will and testament of James Graves, deceased, the portion in said will bequeathed to Eliza Ashton Roman, and to invest the same in land, for the benefit of the said Eliza A. Roman and her children, taking a deed of conveyance to himself, in trust, for the use and benefit of the said Eliza A. Roman and husband, Wilson W. Roman, during the life time of the said Wilson W. Roman, and at his death, the title to said tract of land is to vest absolutely, in the said Eliza A. Roman, provided she shall survive her said husband, and if she should not survive him, then, on her death, the title to said land is to vest in her children, but to be held in trust

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by said William Roman, Trustee, for the use and benefit alone of the children and heirs of said Eliza Roman, equally; but the said William Roman shall not receive the said portion until he shall have executed bond, with good security, in the penalty of two thousand dollars, to the Commonwealth of Kentucky, for the faithful discharge of the trust hereby conferred upon him, and handed said bond to the said Joel Bryant, who shall file the same in the County Court Clerk's office of Fayette county.

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Approved, February 13, 1844.

CHAPTER 162.

AN ACT to change the place of voting in Bracken county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, instead of holding the election at the house of James Mofford, in Powersville, in Bracken county, as now prescribed by law, it shall, in future, be held at the house of Jacob Duncan, on the north fork of Licking river, at Waller's Mill, under the same regulations that were enacted in establishing the said election precinct at Powersville.

Bracken,

Sec. 2. That the officers conducting the elections in said county of Bracken, shall close the polls at each precinct in said county, at one hour by sun in the evening of the first day of the election, unless requested otherwise by one or more of the candidates, in writing: *Provided, however,* That nothing herein contained, shall prevent holding the polls open three days at the Court House of said county.

Sec. 3. That, hereafter, the place of voting in the White Bath Sulpher precinct, in the county of Bath, shall be held at the house of Reuben Young, on Salt Lick.

Sec. 4. That there shall be, and is hereby established, an additional election precinct in the county of Clay, and the place of voting therein shall be at the house of Henry Clarke, on Sexton's creek.

Clay.

Approved, February 13, 1844.

CHAPTER 163.

AN ACT for the benefit of the Rockcastle Seminary, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James McCall, John A. Moore, James C. Jones, James Terrill and William H. Wilson, be, and they are hereby appointed Trustees to the Rockcastle Seminary.

Sec. 2. Said Trustees may appoint an agent to sell and convey the Rockcastle Seminary lands; they may appoint an

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agent, with power and authority to survey and locate, within the county of Rockcastle, any unappropriated balance of the Rockcastle Seminary land, upon any vacant lands in said county.

Sec. 3. That the act establishing a Library in Mount Vernon, in Rockcastle county, be revived and continued in force two years: that the Trustees to the Rockcastle Seminary are hereby appointed Commissioners under said act.

Approved, February 13, 1844.

CHAPTER 164.

AN ACT to amend an act, entitled, "an act to incorporate the Funk Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 14th section of an act, entitled, "an act to incorporate the Funk Seminary," approved February 22, 1842, be so amended, as to authorize the Board of Trustees of said institution to employ so much of the bequest of the late William M. Funk, Esq., referred to in said section, for the completion of the buildings, the procurement of a Library, Philosophical Apparatus, and for other purposes connected with the advancement of said institution, as they, or a majority of them, may deem expedient; and that so much of said section as makes the said bequest a permanent fund, be, and the same is hereby repealed; and further, that so much of said section as restricts the amount of loans to particular individuals, be, and is hereby repealed: *Provided*, That nothing herein contained, shall be construed to permit said Trustees to loan a greater sum than two thousand dollars to any one individual or co-partnership, or to dispense with the security required by the act incorporating said Seminary.

Approved, February 13, 1844.

CHAPTER 167.

AN ACT for the benefit of Uriah Gresham.

WHEREAS, it is represented to the present General Assembly, that there is due to Uriah Gresham between forty and fifty dollars, as sub-overseer of the Turnpike Wilderness road and Madison fork—therefore, for the purpose of making a settlement with said Gresham,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jarvis Jackson and James McNeil, of the county of Laurel, shall settle with the said Gresham; and should it appear that there is a balance due him for services on said roads, they shall give an order for one half on the Cumberland gate, one fourth on the Crab Orchard gate, and one fourth on the Madison gate; and it shall be the duty of said

gate keepers to discharge said orders: *Provided*, That not more than fifty dollars shall be paid by the provisions of this act.

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Approved, February 13, 1844

CHAPTER 168.

AN ACT for the benefit of Richard C. Taylor, late Sheriff of Cumberland county, and John Hedges, Sheriff of Calloway county. *

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to release to the Sheriffs of Cumberland and Calloway counties, the damages incurred by them, for a failure to pay over the revenue tax due from said counties for the year 1842, after retaining the legal interest.

Approved, February 13, 1844.

CHAPTER 169.

AN ACT for the benefit of H. L. Atkins.

WHEREAS, it is represented that Martha A. Atkins, formerly Martha A. Wims, by her internmarriage with her former husband, James Wims, now deceased, she became possessed of one third part of the slaves of said James Wims, deceased, and doubts are expressed, whether such slaves can, for any purpose, be removed out of the limits of this State, without incurring a forfeiture of said slaves—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry L. Atkins, who is the husband of said Martha Atkins, the widow and relict of said James Wims, deceased, late of Todd county, Kentucky, be, and he is hereby permitted and authorized to use, employ and enjoy the use of the negro slaves which were allotted to his wife, by Commissioners appointed by an order of the Todd County Court, as well out of the limits of this State, and more particularly in the State of Tennessee, as he is entitled to do within the same, without incurring any forfeiture therefor, upon condition, that the said Atkins shall, before he removes any or all of said slaves out of this State, enter into bond, with approved security, before the Circuit or County Court of Todd county, in a penalty covering the full value of said slaves so to be removed, with the probable value of the increase of the same, conditioned to return such slave or slaves as may be living, to the legatees or those who may be entitled to the same in remainder, upon the death of said Martha Atkins, formerly Martha Wims: *Provided*, That the said Henry L. Atkins shall first obtain the written consent of the adult heirs, if any, and the guardian to the infant heirs, and file the same with the Clerk of the Todd Circuit or County Court.

Approved, February 13, 1844.

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William P. Clark left —— children, his heirs at law, when it should have been, he left brothers and sisters, who are his heirs at law, under twenty one years of age—for remedy whereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Joseph Baker shall be substituted for that of James Baker, and shall stand and be used to carry out the object, and all the purposes mentioned in said act, and that instead of the —— children and heirs at law of the said William P. Clark, deceased, it shall be the —— brothers and sisters, the heirs at law of the said William P. Clark, deceased, and that the object and purposes of said act shall be carried out with the correction and amendments herein made, as fully as if the same had been set out in said acts.

Approved, February 13, 1844.

CHAPTER 176.

AN ACT for the benefit of the Presbyterian Church of Morganfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the session of the Presbyterian Church of the town of Morganfield, by themselves or agent, to vend a lot of Clocks, donated to said Church, to assist in the completion of the building of said Church, without paying for, or obtaining a license to sell the same, as now required by law.

Approved, February 13, 1844.

CHAPTER 177.

AN ACT to repeal the second section of an act to amend an act, entitled, an act to incorporate the town of Independence, approved, March 11, 1843.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act to amend an act, entitled, an act to incorporate the town of Independence, in Kenton county, which includes William A. Pendleton, Esq. within the corporate limits of said town, be, and the same is hereby repealed.

Approved, February 13, 1844.

CHAPTER 179.

AN ACT for the benefit of the Town of Augusta.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the several acts in relation to the working of roads in the county of Bracken, as applies to the town of Augusta, be, and the same are hereby repealed; and that an act, entitled, an act to reduce into one

the several acts concerning the town of Augusta, in Bracken county, approved December 12, 1831; an act to amend and reduce into one the several acts concerning the town of Augusta, approved January 11, 1833; and an act further regulating the duties of the Trustees of the town of Augusta, approved January 22, 1836, be, and the same are hereby revived, as far as applies to the working of the streets and alleys of said town, and the power of the Trustees over the same.

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Sec. 2. That the Trustees of said town, and their successors, are hereby vested with all the powers, pertaining to the government of said town, that they possessed prior to the act of the Legislature extending the general road law in said town.

Sec. 3. That the road Commissioners of said county be, and they are hereby directed to pay over to the Treasurer of the town of Augusta their ratable proportion of the road tax in their hands, and that the Trustees of said town apply the same towards the repairs of the streets and alleys of said town.

Sec. 4. That this act shall take effect, and be in force from and after the first day of July next.

Approved, February 16, 1844.

CHAPTER 181.

AN ACT for the benefit of Elisha Fortune.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor issue his warrant on the Treasurer of this State, in favor of Elisha Fortune, for the sum of two dollars and forty two cents, to be paid out of any money in the Treasury not otherwise appropriated, which sum the said Fortune paid as the purchaser of a tract of land, which was wrongfully sold by an agent of the State for the non payment of taxes.

Approved, February 16, 1844.

CHAPTER 182.

AN ACT for the benefit of James Nichols, of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of thirty dollars is hereby appropriated to James Nichols, of Muhlenburg county, and the Second Auditor is hereby directed to issue his requisition for the same on the Treasurer of this Commonwealth, in favor of the said Nichols, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 16, 1844.

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CHAPTER 185.

AN ACT for the benefit of the widow and heirs of Daniel McCoy, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the executor of Daniel McCoy, deceased, to file his petition in the Woodford Circuit Court, making the widow, heirs, and devisees of said testator defendants, alledging therein that the personal estate, and that portion of the real estate and slaves devised for that purpose, is insufficient to discharge the debts due from the estate of said testator, and pray the Chancellor of said court to decree a sale of so much of the real estate of said testator, as shall be sufficient to pay the same; and process being returned executed, and answers filed by said widow and the adult heirs and devisees, (if any,) and the infants by their guardian *ad litem*; and if said widow shall pray, in her answer, that said real estate shall be sold, unincumbered by her life estate, and upon a hearing of said cause upon the bill, answer, and depositions, it shall appear to the Chancellor that it would result to the interest of said estate, and advance the interest of said infant heirs and devisees, he is hereby authorized to decree a sale of said real estate, unincumbered by the life estate of said widow, upon such terms as he shall direct, and appoint a Commissioner to carry into effect such decree.

SEC. 2. *Be it further enacted,* That if it shall appear to the Chancellor that said widow has released to the purchaser her life estate in said land hereby directed to be sold, he shall ascertain the value of the life estate of said widow in the proceeds of the sale of said real estate, and direct the payment thereof to her absolutely, when collected.

SEC. 3. *Be it further enacted,* That said Chancellor shall, before the proceeds of such sales shall pass into the hands of said executor, require him to execute bond, with approved surety, with condition to apply said proceeds as followeth: to said widow that sum that shall be decreed to her in lieu of her life estate in said real estate; next, to the creditors of said testator the several amounts due each of them, and the residue, if any, to be distributed amongst the devisees of said testator, in the proportions that they are entitled to receive the same according to the effect of the will of said testator; and said Chancellor shall have power to make all such orders and decrees in the premises, that he shall consider just and equitable.

Approved, February 16, 1844.

LAWS OF KENTUCKY.

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CHAPTER 189.

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AN ACT to amend the act, entitled, an act to amend the law in relation to working of the public highways in the county of Mason, approved February 10, 1841.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the citizens of the lower end of the Maysville election precinct, beginning at the lower limits of the city of Maysville, shall, from and after the passage of this act, be under the control of the Mason County Court, for all road working and road making purposes, upon the same footing with the body of the county outside of said election precinct; and all laws conflicting with this act, are hereby repealed.

Approved, February 20, 1844.

CHAPTER 190.

AN ACT for the benefit of the late Sheriff of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time until the first day of May next, be allowed the late Sheriff of Lincoln county, to return his list of delinquent muster fines for the year 1843.

Approved, February 20, 1844.

CHAPTER 193.

AN ACT for the benefit of Ethan A. Hughes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's District, for the town of Burlington, Boone county, be so enlarged, as to include the farm of Ethan A. Hughes, and that the said Hughes may reside on his farm, and hold the office of Constable for said town.

Approved, February 20, 1844.

CHAPTER 194.

AN ACT for the benefit of Julia Newhall.

WHEREAS, it is represented to this Legislature, that Julia Newhall, a widow, whose maiden name was Julia Sardon, whilst a tender infant was separated from her mother, and brought to Kentucky many years ago; and that the mother of said Julia died at Auch, in France, leaving some estate; and that the tribunal at Auch, in her suit for her inheritance, has ordered, in substance, "that Julia Sardon shall prove that she is the daughter of Augustin Sardon and Rose Meyere, and that such proof shall be made according to the formalities usual in Louisville, and before such Magistrate or Notary, designated by the law or by the constant custom of the country, to verify, in case of contestation, the civil acts of the

Preamble.

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citizens of the United States, and the said Julia shall summon, for the said proof, Mr. and Mrs. Jacoby, (*Les époux Jacoby*,) and Mr. Semont, that so, on the report of the said proof, given either in their presence, or in their absence, judgment may be given;" and whereas, some doubts are entertained, whether any court or magistrate has such jurisdiction, or power, as is required by such French decree—for remedy whereof,

The Louisville Chancery Ct. upon petition filed, may have proof taken & certified.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Julia may file, in the Louisville Chancery Court, her petition, in her maiden name of Julia Sardon, praying the Chancellor to have the proof taken in open court, or before a Master in Chancery, and for an adjudication upon the proof taken, and to have the same certified to the tribunals of France, making Jacoby and wife, and Semont, defendants thereto; and upon the filing of said petition, a summons shall issue against them, to be served on them, their agent or attorney, if any such can be found, which summons shall be returnable in ten days from the date thereof.

May decide upon the proof.

Sec. 2. Upon the return of said summons, whether executed or not, the said Julia may file her interrogatories in said court, and have a commission to take her proof, and return it to the said court; and the Chancellor is hereby given full power and jurisdiction, at any time after three months from the time of filing such petition, upon the proof adduced, to decide whether the said Julia has made, or has not made satisfactory proof that she is the daughter of said Augustin Sardon and Rose, his wife, who was Rose Meyere; and to certify to the tribunals of France such proof, and his judgment whether such proof would or would not be satisfactory before the tribunals of this State to establish her identity, and her right to be regarded as a child and heir of the said Rose; and to make any other decree or order that may be equitable in the premises, to enable the French tribunals to make a just decree in the suit of said Julia, at Auch, in France.

Defendants may take proof.

Sec. 3. The said defendants to said suit may appear, have counter proof taken and certified, in a similar manner, at any time within three months from the filing of the bill.

Approved, February 20, 1844.

CHAPTER 200.

AN ACT to amend an act, entitled, an act for the benefit of the Mechanics of the town of Smithland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act for the benefit of the Mechanics of Paducah, and afterwards made applicable to the Mechanics of Smithland, be so amended as to give said Mechanics of Smithland a lien, under the provisions of said law, to the extent of their respective interests, upon all boats, scows, and other water crafts built by them.

Approved, February 22, 1844.

CHAPTER 202.

AN ACT to change the place of voting in the Haysville Election Precinct, in Marion county, and for other purposes.

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the Haysville Election Precinct, in Marion county, be changed to the house of John E. Fitzpatrick.

Marion.

Sec. 2. *Be it further enacted,* That the place of voting, in the county of Grant, be changed from the house of Stepen Buckyley to the House formerly occupied by Spencer Burkley, in said county.

Grant.

Approved, February 22, 1844.

CHAPTER 203.

AN ACT to change the name of William Robinson to that of William Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William Robinson, of Marion county, be, and the same is hereby changed to that of William Bell.

Approved, February 22, 1844.

CHAPTER 204.

AN ACT to amend the charter of the town of Falmouth, in Pendleton county, approved February 29, 1836.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the eleventh section of an act, entitled, an act to regulate the town of Falmouth, in Pendleton county, approved February 29, 1836, be, and the same is hereby repealed; and that, hereafter, the Trustees of said town, and their successors in office, shall have power annually, by their order entered of record, to lay and raise a tax on the persons and property, real and personal, within said town, not exceeding one dollar and fifty cents on each tythe, nor more than twenty five cents on each one hundred dollars worth of property, real and personal, to be collected by the Marshal of said town, in the manner prescribed in the twelfth section of said act to which this is an amendment: *Provided*, That it shall not be necessary to advertise the sale of any real estate in said town in the different newspapers, as provided for in said twelfth section.

Sec. 2. *Be it further enacted,* That the Trustees of said town, and their successors in office, shall have power and authority to appropriate the taxes authorized as above to be levied, to the improvement of any street or alley in said town that they may designate.

Approved, February 22, 1844.

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CHAPTER 205.

AN ACT incorporating the town of Marion, in Crittenden county, and for other purposes.

Trustees to be elected and when.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Marion is now established within the following bounds, to-wit: _____; That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five Trustees, who shall be elected on the first Monday in April, annually, under the control of the Chairman and Clerk, or any two of the acting Trustees; said Trustees shall hold their office for one year, or until their successors shall have been qualified; and in case of any vacancy, it may be filled by the Board, at any regular meeting. Before entering upon the duties of his office, each member shall take an oath before some Justice of the Peace of the county, that he will perform the duties of his office to the best of his skill, a certificate of which shall be entered on the records of the Board:

Trustees to take an oath.

Chairman and his duties.

SEC. 2. That said Trustees may appoint one of their body as Chairman, who shall preside over their meetings, keep order, &c. sign the records of each meeting, and may call a meeting of the Board at any time, and shall continue in office at the discretion of the Trustees, and shall appoint a Clerk, who shall perform the duties imposed on him by the Board, and continue in office at their discretion.

Trustees may pass by-laws.

SEC. 3. That said Trustees shall have power to pass such by-laws as they may deem necessary or advisable for the preservation of the health, peace, harmony, safety, and convenience of its citizens, to prevent riots, routs, breaches of the peace, &c.; and upon the violation of the ordinances of said town, it shall be the duty of the town Marshal to proceed, forthwith, to bring the case up before some Justice of the Peace of said county, who shall hear and determine the same according to law and the ordinances of said town, and give judgment; upon which judgment the town Marshal, (who is hereby authorized, and who shall be appointed by the Trustees of said town, and who shall hold his office at their discretion,) shall execute in the same manner that Constables, under judgments, could proceed. All fines and forfeitures arising under the breach of any of said ordinances, are hereby vested in the Trustees, for the use and benefit of said town.

Fines, how appropriated.

Assessor and his duties.

SEC. 4. That said Board shall have power to appoint an assessor, who shall take a list of the property of said town and return the same, together with the number of tithes in said town, upon which tithes the said Trustees may lay a levy of any sum not exceeding one dollar, and on said property, a tax of not more than one dollar on the hundred dollars, which shall be certified by the Clerk to the Marshal of said town, whose duty it shall be to collect; in doing which, he may distress as Sheriffs of this Commonwealth under law now do;

after collection of which, the Marshal shall pay over to the Chairman of the Board of Trustees the amount.

Sec. 5. That the location of said town as the county seat of Crittenden county, made by the Commissioners appointed for that purpose, be, and the same is hereby legalized, and the act of said Commissioners ratified and confirmed.

Sec. 6. That the plat of said town shall be entered upon the record book of the Trustees, and also, in that of the deed book of the County Court.

Sec. 7. The said Trustees are hereby vested with full power to pass any and all laws or ordinances, (not hereby granted,) for the purpose of carrying fully into execution the foregoing enumerated powers: *Provided, however,* That the said Trustees shall pass no ordinance repugnant to the constitution and laws of the United States or of this State.

Sec. 8. That the first election of Trustees shall be under the supervision of three Judges, to be appointed by the County Court of said county for that purpose, who shall, before they proceed to act, appear before some Justice of the Peace of said county, and take the oath now required to be taken by Judges of elections, and after which they may appoint a Clerk, Sheriff, &c. for the purpose of conducting said election.

Approved, February 22, 1844.

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Location of
the town legal-
ized.

Town plat to
be recorded.

Election of
Trustees, how
conducted

CHAPTER 206.

AN ACT declaring Stinking creek, in Knox county, a navigable stream.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Stinking creek, in Knox county, from its mouth in the Cumberland river, to where the old State road crosses said creek, shall be, and the same is hereby declared to be a navigable stream, and as, such, shall be kept open.

Sec. 2. That the County Court of Knox county are hereby vested with as full power over said stream, as said court now has over the public roads in said county; and for the purpose of keeping said stream open and free from obstruction, said court may, if they deem it necessary, appoint a Surveyor of said stream, who shall examine the condition thereof, and report the obstructions to the court, who, a majority of the Justices being present, may order such obstructions to be removed at the county charge, if they deem it expedient.

Sec. 3. That any person or persons who shall place obstructions in said stream, shall be subject to the same penalties, which by law are imposed for obstructing public roads or highways, and shall be prosecuted in the same manner.

Approved, February 22, 1844.

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CHAPTER 207.

AN ACT to amend an act to establish the Mechanics' Institute and Savings Institution of the City of Lexington, approved, February 20, 1840.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Wilson, Hiram Shaw, William P. Browning, James R. Sloan, George W. Norton, John McMurtry, Joseph Beard, H. I. Bodley, William Huey, Warren Outten, and Richard Pindell, shall be, and are hereby appointed Commissioners, to open books for the subscription of stock agreeably to the provisions of said charter, and any three of them are hereby authorized to act.

Approved, February 22, 1844.

CHAPTER 209.

AN ACT for the benefit of Lewis V. Wernwag.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Danville, Lancaster, and Nicholasville Turnpike Road Company be, and they are hereby authorized to adjust and settle the account of Lewis V. Wernwag, for constructing a bridge across the Kentucky river, on said road, in accordance with the understanding between the parties at the time said bridge was being constructed, and if any balance should be found to be due to said Wernwag, the said President and Directors are authorized to pay the sum out of the tolls which may be collected on said road.

Approved, February 23, 1844.

CHAPTER 212.

AN ACT to extend the powers of the Trustees of the town of Greenville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the Trustees of the town of Greenville, in Muhlenburg county, and their successors in office, are authorized and empowered, by their by-laws or otherwise, to require the owner or owners of lots situate on Main or cross streets, to make good and substantial side walks opposite and adjoining the lot or lots which they may own, such side walks to be not more than eight feet wide, to be paved with brick or rock, curbed with stone or wood, and supported by posts, &c., in such manner as may be required by said Trustees.

SEC. 2. That whenever the said Trustees shall, by ordinance or otherwise, require the said side walks to be made, they shall advertise the same at three public places in said town, and shall notify, in writing, the owners (or his her or their

If side walks
are not made,
Trustees may
have it done at

agent,) of each lot, giving in said writing a description of the side walk required by them to be made, and specifying the time in which the same shall be commenced and finished, which time shall not be less than four months; and, if after the passage of said ordinance by said Trustees, and notice, as herein before required, the owner or owners of any lot or lots, or their agent, shall fail or refuse to put up said side walks in the manner required by said Trustees, it shall and may be lawful for said Trustees, by themselves or agent, to have said side walks erected at the costs and expense of the owner or owners of said lot or lots; and if the owner or owners of the lot or lots, opposite and adjoining which said improvement shall be made, shall fail or refuse to pay the amount expended on said side walks, the Trustees of said town are hereby authorized and empowered to have and maintain an action of debt, in their name, against the owner or owners of said lot or lots, in any court having jurisdiction, for the amount thus expended; and may recover said amount, with interest from the time of completing the work, and their costs; and when said side walks shall be completed, it shall be the duty of said Trustees to connect the same by good and substantial passways, at cross streets, and such other places as they may deem necessary; the expenses attending the erection of said passways, to be paid out of the taxes collected in said town, in pursuance of laws now in force.

Sec. 3. That the bounds of said town be so extended as to embrace the residence of J. W. Vandever, S. D. Chatham, the Parsonage, S. Shull, E. R. Weir, John Campbell, D. A. Martin's Stemmetry, the house and lot formerly owned by A. H. Lovelace, George W. Short's residence, and the lot on which the same is erected, James Rothick's house, and Mrs. McGeehee's house and lot.

Boundary extended.

Approved, February 27, 1844.

CHAPTER 213.

AN ACT for the benefit of the heirs of James L. Gill, deceased, and others.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in the suit in chancery now pending in the Shelby Circuit Court, wherein Lemuel W. Chambers, as executor of the last will and testament of James L. Gill, deceased, is complainant, and Robert S. Sanders, as Trustee of Cynthiaann Logan, Jane Logan, and Robert Logan, infant children of Robert and Elizabeth Logan, deceased, and others, are defendants, it shall be lawful for the Judge of said court, and he is hereby authorized and empowered, if, in the exercise of a sound judicial discretion, he shall be of opinion that it is for the benefit of said infant heirs, to render a decree transferring and perfecting the title in and to a certain tract of land lying in the county of Shelby, in and to the said

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the expense of
the owners.

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heirs of James L. Gill, deceased, it being the same tract of land purchased by the said James L. Gill, deceased, of the heirs of George Gill, deceased, and in said bill and answers in chancery mentioned.

Sec. 2. That said court further decree that the heirs of the said James L. Gill, deceased, pay over to the said Robert S. Sanders, as Trustee of the said Cynthiann, Jane, and Robert Logan, the sum of four hundred and fifteen dollars thirty two cents, with the interest thereon for such time as he may deem equitable between the parties.

Sec. 3. That it shall be the duty of said court, (if it shall render a decree according to the first section of this act,) to appoint a Commissioner to convey said land, as well on the part of the said Robert S. Sanders, as Trustee, as the said Cynthiann, Jane, and Robert Logan, and the heirs of George Gill, deceased; which conveyance, when made and acknowledged before said court, shall be effectual, in law and equity, to pass the title to said heirs of the said James L. Gill, deceased.

Approved, February 27, 1844.

CHAPTER 214.

AN ACT for the benefit of William Stewart, late Sheriff of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Stewart, late Sheriff of Livingston county, be released from the damages imposed on him, for failing to pay the revenue tax due from said county for the year 1842, after retaining the legal interest and costs.

Approved, February 27, 1844.

CHAPTER 217.

AN ACT for the benefit of Henry Harmon, of Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Adair county shall have power and authority, in their discretion, to levy, not exceeding fifty dollars, for the maintenance and support of Henry Harmon, son of William Harmon of said county, the same to be levied at the next county levy of said county.

Approved, February 27, 1844.

CHAPTER 218.

AN ACT for the benefit of Simeon Harris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of

Bullitt county, a majority of the Justices concurring therein, to authorize Simeon Harris to erect a fish dam and fish trap, on Salt river, adjoining his land on said river: *Provided*, The dam shall not be more than three feet high above low water mark; and the said County Court, shall have power to cause the said Harris to remove the said dam, should they believe it injurious to the navigation of said stream: *And provided, further*, That the said Harris shall enter into bond, with good security, in said County Court, conditioned to pay any damages that may be sustained by any individual or individuals navigating said stream, in consequence of the erection of said dam.

Approved, February 27, 1844.

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CHAPTER 219.

AN ACT for the benefit of John S. Eaves and H. W. McNary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Muhlenburg county, a majority of the Justices being present, to make an order granting to John S. Eaves and H. W. McNary, the privilege of erecting a fish dam and trap in Pond river, under such limitations and restrictions as shall be deemed necessary by said court: *Provided*, That said Eaves and McNary shall, in the County Court of Muhlenburg county, execute bond with security, payable to the Commonwealth, the penalty of which shall be fixed by said court, conditioned that they will remove said dam within thirty days, whenever required to do so by the Court: *And provided further*, That the height of said dam shall not exceed two feet: *Provided*, That before said fish dam and trap shall be erected, the consent of the County Court of Hopkins shall also be given.

Approved, February 27, 1844.

CHAPTER 220.

AN ACT to incorporate the First Presbyterian Church, of Covington.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Wallace, Nicholas Semail, B. F. Bedinger, Moses V. Grant and William Ernst, and their associates, being seatholders in the First Presbyterian Church, in Covington, or being members in full communion, and such others as may hereafter be associated with or succeed them, be, and they are hereby created a body politic and corporate, by the name of the First Presbyterian Church of Covington; and as such, shall have perpetual succession, and be capable, in their corporate capacity, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of law and equity; may have a

Corporate names.

Corporate pow-
ers.

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common seal, which they may break, alter or renew at pleasure; shall be capable of receiving, acquiring and holding, either by purchase, gift, devise or otherwise, any estate, real, personal or mixed, and may lease, mortgage, sell and convey the same in any manner, or for any purpose, not inconsistent with the conditions of the grantors, donors or devisors; shall have power to adopt, change and alter such by-laws, rules and regulations for the management of the property and secular concerns of the said corporation, as they may deem expedient; prescribe the number and title of the corporation officers, and their respective powers and duties: *Provided*, The same be not repugnant to the Laws and Constitution of the United States and of the Commonwealth of Kentucky, and the form of government and discipline of the Presbyterian Church in the United States of America: *And provided*, That the annual income of all such estate shall not exceed five thousand dollars: *And provided, also*, That all such property shall be considered as held in trust, under the management, and at the disposal of said corporation, for the purpose of promoting the interests of said church, defraying the expenses incident to their mode of worship, and maintaining any institutions of charity or education that may be connected therewith: *Provided, moreover*, That where money or any other property shall be given or granted, bequeathed or devised to said society, for any particular purpose or use, it shall be faithfully applied to such use or purpose.

Further provi-
so.

Powers confin-
ed.

Property vest-
ed in corpora-
tion may be
sold, by whom
and in what
manner.

SEC. 2. That the power of said corporation shall be confined exclusively to the control and management of the property held by them, agreeably to the provisions of this act, and so as to advance and promote the objects herein specified.

SEC. 3. That all estate, real or personal, now held or possessed by the First Presbyterian Church of Covington, or in trust for it, be, and the same is hereby declared vested in the corporation hereby created, under the limitations and restrictions of the first and second sections of this act; and the aforesaid corporation's officers are hereby authorized and empowered to sell, lease or otherwise invest, any property held by the corporation, for the use and benefit of said incorporation: *Provided*, That they shall never purchase or sell any real estate, without the concurrence of a majority of the members of the corporation; and it shall be their duty, annually, at such time as the corporation may direct, to make out and exhibit a full and fair account of the receipts and disbursements of the preceding year.

Extra meet-
ings may be
called.

SEC. 4. That extra meetings of the corporation may be called by the above officers, they giving at least ten days' public notice previously, such notice to be given at the usual time and place of worship for the congregation; and this shall be done whenever they receive a written request to that purpose from any five members of the corporation.

SEC. 5. That the five persons named in the first section of this act, be corporation officers of said church, to be called Trustees, who shall severally hold their offices, and have the management of the affairs of said corporation for one year, or until others shall be chosen in their places, agreeably to the rules of said corporation, to be made as herein before provided.

SEC. 6. That the General Assembly of the Commonwealth of Kentucky, shall have power to alter, amend or modify this act; but any such alteration, amendment or modification, shall not divest any property or funds of the said corporation from the purposes expressed in this act.

SEC. 7. *Be it further enacted,* That within sixty days after the passage of this act, it shall be the duty of the Trustees to have a certified list of the names of the Trustees of said corporation presented to the County Court Clerk of Kenton county, which list the clerk shall record in his office; and when any change shall be made in the Board of Trustees aforesaid, the names of the new Trustees shall be recorded as aforesaid, and the clerk shall be entitled to the same fees that he is allowed for similar services.

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Term of office.

Right to alter,
amend, &c. re-
served.

Names of trust-
ees to be re-
corded in the
County Court
of Kenton.

Approved, February 27, 1844.

CHAPTER 221.

AN ACT for the benefit of Rebecca A. Anderson, and others.

WHEREAS, it is represented that Daniel Coleman, Mary M. C. Coleman, Robert Coleman, and Rebecca A. Anderson, now dead, owned jointly, one hundred and forty seven acres of land in Bracken county, and that they have made a sale of said land, and received the whole purchase money, and that the original purchaser has sold the land, and his vendee has again sold it, and that Rebecca A. Anderson has, subsequently to the first sale, departed this life, leaving the following heirs, who are infants: James H. Anderson, Mary Anderson, and Sally Ann Anderson, without making any conveyance of her interest in said land to the purchaser; and that a bill in chancery is now pending in the Bracken Circuit Court, by Abraham Dilts and others, against Fields and others, in which a part of the price due on the sale of the land by a sub-purchaser is enjoined, because of the defect in the title produced, from the fact that the title to the interest of said Rebecca A. Anderson is in her said heirs—wherefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the proper parties being made to said suit in chancery, and upon full proof being made of the fact that Rebecca A. Anderson, in her life time, did sell her interest in said land, and did receive the whole of her part of the purchase money, the Judge of the Bracken Circuit Court may decree a conveyance of the title of the heirs of said Rebecca A. Anderson, to the purchaser, or such person or persons as

Conveyance
by Rebecca A.
Anderson's hrs
may be decreed
upon certain
conditions.

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may appear entitled to the land, and for that purpose may appoint a Commissioner, and make all such orders and decrees in the case, as may be necessary.

Approved, February 27, 1844.

CHAPTER 223.

AN ACT to incorporate the Frankfort Cemetery Company.

Corporators names. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Edmund H. Taylor, A. G. Hodges, Henry Wingate, Mason Brown, Jacob Swigert, A. P. Cox, Philip Swigert, Orlando Brown, and M. R. Stealey be, and they hereby are made a body politic and corporate in law, under the style and firm of the Frankfort Cemetery Company, and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Franklin, not exceeding 60 acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a Cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purpose than burial lots, as hereinafter prescribed. But the said corporation may permit their superintendent or other officers, to use that portion of the grounds and buildings not sold for burial lots, for horticultural purposes; provided the same is used in a manner not inconsistent with the reverence and respect due to the Cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue, but shall not, after the ground has been fully paid for, be subject to be levied on or sold, by judgment, execution, or decree, for any other debt or cause whatsoever. No road or passway shall be opened through said grounds, unless by the consent of the company. The said company may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said Cemetery and grounds, and may vest in State stocks or loan out any spare funds that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

Name and style and corporate powers. SEC. 2. A majority of the above named persons, or of the survivors of them, shall have full power and authority to appoint a Board of seven Trustees, who shall elect one of their own number as Chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation, or removal. The term for which the first Board of Trustees

Corporation property to be subject to tax; no road to be opened through grounds; may take by devise, &c.

May loan funds.

Board of Trustees to be appointed; term of service and duties prescribed.

shall serve, shall be designated and limited by those who appoint them as above. After the first Board of Trustees have been appointed as above, and have qualified, they and their successors in office shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected by a majority of the shareholders who vote, once in every five years; due notice of the time and place of voting being first given by publication of four successive weeks, in one of the newspapers published in Frankfort, and the election shall be conducted by Judges appointed by the Board then in office. The Trustees, thus elected, shall remain in office five years and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their duty, to call a meeting for, and cause an election of their successors, as soon afterwards as convenient. The Trustees shall at all times, have the power to fill any vacancy that may occur in the Board, by death, resignation, or removal. Death, removal from the county of Franklin, or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots to the value of \$25, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees, but no person, or body corporate, shall be entitled to cast more than ten votes. When a share is vested in several persons, a majority of those present at the time of voting, in whom the legal title is to such share, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the grounds and lots, and have the same recorded in the Clerk's office of the Court of Appeals, or of the Franklin County Court. Each Trustee shall, before he enters on the duties of his office, make oath before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee according to the best of his abilities, and will not be influenced in his conduct as Trustee, by sectarian or political partialities.

Sec. 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same, and from time to time, alter, repair, and add such buildings and fixtures as may be necessary for the use or ornament of the Cemetery or grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell, and convey burial lots, either at public or private sale—to make, from time to time, by-laws and regulations for the control, management, and care of the Cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as

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Trustees,
when to be e-
lected, &c.

Vacancies,
how filled.

Number of
votes to be
given by share
holders.

Map of grounds
to be made and
recorded.

Trustees to
take an oath.

Trustees may
layout & orna-
ment grounds.

May lay off and
sell burial lots.

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Superintendents may be appointed. may be necessary for the purposes of the corporation; they shall have full power to enter upon and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws or regulations of the corporation; they shall have the power to appoint, from time to time, such superintendent and other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

Certificates of purchase to be given. SEC. 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Penalty for defacing tombs, &c. or violating the graves. SEC. 5. If any person shall forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tomb-stones, monuments, or enclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Approved, February 27, 1844.

CHAPTER 224.

AN ACT to incorporate the Kentucky Oil and Manufacturing Company.

Corporators names. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That T. M. Moore and Charles Mussey, and such others as may be associated with them, and their successors, be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact, name and law, by the name of "The Kentucky Oil and Manufacturing Company," subject to the provisions of "an act to establish a general law concerning Manufacturing Corporations," approved February 15, 1841. (Sess. Acts, page 49.)

Corporate name. SEC. 2. That by that name, they and their successors and assigns, shall, and may have continual succession, and shall be capable of suing and being sued, pleading and being impleaded,

Corporate powers.

answering and being answered unto, defending and being defended, in all courts and places whatever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and also, that they and their successors and assigns, by the name and style aforesaid, shall be, in law, capable of holding their capital stock, and the increase and profits thereof, and of conducting, directing and disposing of the same, from time to time, in such manner and form, as they shall think proper, and of disposing of the products of their manufacture, and of purchasing, taking and holding, to them and their successors and assigns, for the use of the said corporation, all such necessary machinery and stock as may be necessary for the business of the company.

Sec. 3. That the capital stock of said company shall not exceed twenty thousand dollars, and shall be in shares of fifty dollars each; and the right is hereby reserved to the Legislature, to alter, amend or repeal this charter at pleasure.

Capital stock,
right to repeal
reserved.

Approved, February 27, 1844.

CHAPTER 225.

AN ACT to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.

WHEREAS, the Legislature of Kentucky, by an act, approved the 21st February, 1839, authorized Joseph E. Settle, administrator of the estate of Daniel Riley, deceased, to file a bill or petition in chancery in the Anderson Circuit Court, against the heirs of said Daniel Riley, setting forth that the personal estate of said deceased was insufficient to pay his debts, and authorizing the said Court, upon being satisfied of such fact, to decree a sale of a tract of land, containing about four hundred acres, lying in Anderson county, upon such terms and credits as might seem best, and most to the advantage of the parties concerned: and whereas, it now appears, that the said administrator, in good faith, did file his bill in said court, under said act, and pray a sale of said land, which was decreed by said court; and afterwards, because of the want of legal title in said heirs, the same court set aside the sale made; and it further appearing, that after said bill was filed and sale made, but before the same was set aside, the said administrator proceeded to pay out to the creditors of said estate the personal assets thereof, without regarding the dignity of the debts, supposing that the proceeds of the sale of said land would be collected, and would pay the remainder of the debts, after the exhaustion of the personal assets: and whereas, it further appears, that in consequence of the great difficulty of procuring the legal title to said land, by reason of the great number of defendants to be made to said suit, which has been pending since shortly after the passage of said act of 21st February, 1839, no valid sale thereof has been made, and

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during the pendency thereof, suits have been brought against said administrator and his securities, and judgments against them obtained for, and on account of said administrator paying the debts aforesaid, without regard to their dignity, and said administrator, and his securities, have been compelled to pay large sums of money to the creditors of said estate—for remedy whereof,

Court may decree sale of interest of the heirs.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Circuit Court of Anderson be, and is hereby authorized to decree a sale of all the right, title, interest and claim of said Daniel Riley, deceased, of, in and to the tract of land aforesaid, lying in Anderson county, upon such terms and conditions as may be prescribed by said court. The Judge of said court, in his order of sale, may reserve the right to affirm the sale or not, taking into consideration the interest of the heirs.

Proceeds of sale, how to be applied.

SEC. 2. That the proceeds of said sale be applied to reimburse said administrator and his securities the sum of money they shall show they have been compelled to pay for said estate, and the remainder shall be paid pro rata among the creditors whose debts are unpaid.

Approved, February 27, 1844.

CHAPTER 226.

AN ACT to amend the charter of the Jefferson Pond Draining Company.

Penalty for obstructing drains, &c., how recovered and applied.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person or persons shall make or cause any obstruction in any drain, ditch, or sluice, dam or other fixtures constructed and erected by the Jefferson Pond Draining Company, for the purposes of draining, or injure the same, such person or persons so offending, shall remove such obstructions and repair such injury, within ten days after, being thereto required by any Justice of the Peace, or the President or any manager of said company, or be compelled to pay the costs thereof; and shall, moreover, be subject to be fined in any sum not less than three nor more than thirty dollars, by any Justice of the Peace, upon a warrant brought for that purpose, or if a slave, shall be whipped by order of said Justice, with any number of stripes not exceeding five, and the obstruction removed or the injury repaired at the costs of the owner or hirer of said slave; and any fine imposed by this act, shall be applied, by said company, in aid of the draining by the charter.

Rate of tax fixed.

SEC. 2. *Be it further enacted,* That, in future, the President and Managers of said company shall not have power to levy and collect a higher rate of tax than five cents upon each acre of land within their boundary, in any one year. And in order that a more perfect equality in voting for President and Managers of said company may be secured, all persons living

in the boundary of said company, entitled to vote for members of the Legislature, shall have the right to vote, and every person owning land shall have one additional vote for every one hundred acres of land he owns within said boundary, up to five hundred acres, and one vote for every additional five hundred acres he owns over and above the first five hundred acres; and any person or persons entitled to vote for members of the Legislature, and living outside of the boundary of said company, and owning land in the same, shall have the right to vote in proportion to the land he owns within the boundary of said company; but no person owning land shall be allowed to vote in any such election, unless they shall have paid all taxes due the company up to the end of the year previous to that year in which they shall offer to give their vote, and all taxes levied by the company, shall be for the year commencing on the first day of January and ending the thirty first day of December following, and collectable in that year.

Sec. 3. Be it further enacted, That when any land is in dispute, and claimed by two or more persons living within or outside of said boundary, the individual or individuals paying the tax on the same, shall have the right to vote in proportion to the land he owns, as heretofore directed.

Sec. 4. Be it further enacted, That, hereafter, the election for President and Managers of said company shall be held on the first Monday in April in each year, at the places now designated by law, and the present Board shall continue in office up to that time. And in case no election should be held in any year, on the first Monday in April, the President and Board of Managers then in office, shall continue until the annual period for holding such election shall arrive, or a new election held, after the same shall have been advertised at the Court House door and two of the most public newspapers in the City of Louisville, for at least one month previous to such election. The Judges of such election shall determine the qualification of any voter, by the production of his receipt for taxes, or his own oath.

Sec. 5. Be it further enacted, That the President and Company shall cause the southern and eastern line of the boundary of the corporation to be run by a competent surveyor, and plainly marked and described; a plat and report of which shall be lodged with the President of the Board of Managers, and also, a plat and report thereof filed in the Clerk's office of the County Court of Jefferson county, which shall, at all times, be subject to the examination of any person or persons owning lands within the boundary, or having an interest in the draining operations of the company.

Sec. 6. Be it further enacted, That when any lands within the corporate boundary, shall descend, be devised, or conveyed from one to another, the President and Managers of said company shall cause the same to be listed for taxation in the name of the rightful owner or owners thereof, who shall pay the

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Manner of voting for officers regulated and prescribed

Lands in dispute.

Time of holding elections for officers fixed.

New election may be held, &c.

Southern and eastern boundary to be run and defined.

Lands descended or devised, &c. to be listed.

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taxes charged thereon, after such descent, devise, or conveyance shall have taken place; and no person shall act as Judge of any election held by the company, who is not a qualified voter therein.

Approved, February 27, 1844.

CHAPTER 227.

AN ACT to amend the several acts concerning the town of New Liberty, in Owen county.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters residing in the town of New Liberty, in Owen county, shall, on the first Saturday in April next, meet at the tavern house of P. & E. H. Green, and on the same day in each year thereafter, and elect five Trustees for said town, who shall continue in office for one year, and until their successors are duly elected and qualified.

Judges of election.

Trustees to take an oath.

Running horses, &c. fine for.

Fine for breach of by-laws.

By-laws to be advertised, & in what manner.

How fines may be recovered.

Tax may be levied and collected upon property and persons.

Assessor and Collector to be appointed.

The said first election shall be conducted by Josiah Moore, Christopher Chowning and W. W. Allnut, or any two of them, who are authorized to select a Clerk for the occasion, and to act as Judges therein, and shall notify the persons who may be elected of their election; the Trustees elected shall, before they enter upon the discharge of their duties, take an oath faithfully and impartially to execute and perform their duty as Trustees of said town, before some Justice of the Peace, a certificate of which shall be made and filed with the Clerk of the Board of Trustees.

SEC. 2. That any person or persons who shall be guilty of running horses, shooting guns, pistols, or any other disorderly conduct in said town, he, she, or they, shall be subject to a fine of not less than five nor more than ten dollars. The Trustees shall have power to sue for and recover a fine of ten dollars for any breach of the by-laws of said town, notice of such by-laws as may be adopted by the Board being first given, by posting up copies at three public places in the town before they shall take effect, for at least five days; and all fines shall be sued for and recovered in the name of the Commonwealth, for the benefit of said town, by warrant before any Justice of the Peace of Owen county, and the trial of all warrants shall be had in said town, and all fines and forfeitures so collected, shall be paid over to the Treasurer of said town, and applied to the benefit of the town by the Trustees.

SEC. 3. That the Trustees of said town shall have power to levy and collect a tax on the persons and property in said town, not exceeding one dollar on each tythe, and fifty cents on the one hundred dollars worth of property, now subject to taxation by the revenue laws of the State, to be collected in the same manner as by law the revenue and county levy taxes are collected; and in order to have such taxes assessed and collected, said Trustees shall appoint, annually, an Assessor and Collector, or may direct the Town Marshal to collect the

same; such Assessor, Collector or Marshal, shall be required to take an oath for the faithful discharge of their duties, and shall execute bond, in such penalty and with such conditions as the Board of Trustees may direct and prescribe.

Sec. 4. That all elections of Trustees for said town, after the election directed to be held in the first section, shall be held as directed by the laws now in force in relation to said town; and in case no election shall be had on the day fixed by this act, an election shall be held on such day thereafter, as the Board may direct, by an order for that purpose, or may provide for such election by by-laws adopted for that purpose.

Sec. 5. That said Trustees may levy and collect a tax, such as they may deem reasonable, on all shows, circus, or other exhibitions in said town, or within one mile thereof, and may collect the same by distress or otherwise.

Sec. 6. That said Trustees shall appoint some person, not of their body, Treasurer of said town, who shall give bond, in such penalty, and with such condition, as the Board of Trustees may fix and prescribe, whose duty it shall be to keep a correct account of all moneys received by him, and shall make monthly reports to the Board of Trustees, of all moneys received and disbursed by him; but no money shall be paid out by said Treasurer, except by order of the Board of Trustees. They shall appoint all such other officers as may be deemed necessary, fix the compensation of each and every officer appointed by them, and provide for the payment of the same; and all bonds taken from the officers appointed by said Board, shall be made payable to the Commonwealth of Kentucky, and may be sued upon for the use of any person or persons who may sustain any injury by a breach thereof.

Sec. 8. That the Trustees shall appoint one of their own body as Chairman, who shall continue in office for one year, and until his successor shall be appointed; they shall fill any vacancy which may occur in their body; they shall have power to appoint a Town Marshal, to carry their by-laws and ordinances into effect, who shall take an oath before some Justice of the Peace, and give bond in such penalty and with such condition as the Board of Trustees may fix and prescribe; the said Marshal shall be, and is hereby vested with all the powers given the Marshal of the town of Williamstown, by an act, entitled, an act to increase the powers of the Trustees of the town of Williamstown, in the county of Grant, and for other purposes, approved February 28, 1835, and he and his securities shall be liable to be proceeded against as directed in said act.

Sec. 9. That in cases of sudden riots, routs, affrays and breaches of the peace, or other outrageous violations of law, within said town, it shall be lawful for the Sheriff of the county, any Constable, or the Town Marshal, to apprehend the person or persons engaged therein, with or without warrant, and to summon persons to assist him, who shall be bound to

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Elections of Trustees.

May tax shows &c.

Treasurer to be appointed, give bond, his duty prescribed.

May appoint other officers.

Bonds of officers.

Chairman to be appointed, vacancies how filled.

Town Marshal to be appointed, to take an oath, give bond and his powers and duties.

Sudden riots, &c. how suppressed and punished.

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obey such summons, or on failure, shall be liable to pay a fine of not less than two dollars; and such officer and assistants, shall carry said person or persons before some Justice of the Peace, there to be dealt with as the law directs.

*Survey of town
to be made and
recorded.*

Sec. 10. That said Trustees shall cause a survey and plat of said town to be made out by some competent Surveyor, according to the original plan thereof, and have the same recorded in the Owen County Court Clerk's Office, which survey and plat shall be ever thereafter taken and regarded as evidence in establishing the bounds of lots, and the location of streets and alleys; and said Trustees may cause such streets and alleys to be opened, where the dwelling houses of persons may not be interfered with, and may inflict fines upon any person or persons who may close up a street or alley, or may refuse to open the same, upon due notice.

*Streets and
alleys may be
opened,*

Approved, February 27, 1844.

CHAPTER 229.

AN ACT for the benefit of David E. Bullock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That David E. Bullock, of Mason county, be, and he is hereby authorized to bring into this State the following slaves: Lucy and her two children, Evalina and George, given to him by his aunt, Ann Bullock, of the State of Virginia: *Provided*, He shall, within sixty days after introducing said slaves, file and cause to be entered on the order book of the County Court of Mason, his affidavit, describing said slaves, and that he intends to keep them for his own use.

Approved, February 27, 1844.

CHAPTER 232.

AN ACT to amend the act incorporating the town of Columbia.

*Town limits
extended.*

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act incorporating the town of Columbia, be so amended as to extend the limits of said town to one half mile in every direction from the Court house thereof.

*Trustees elect-
ed annually,
take an oath,
&c.*

Sec. 2. *Be it further enacted,* That, hereafter, the prudential, fiscal, and municipal concerns of said town, as now laid out and defined, shall be vested in seven Trustees, who shall be elected annually, on the first Saturday in May, by the free white male inhabitants over twenty one years of age, who shall have been *bona fide* residents in said town six months next preceding such election; said Trustees, when elected, shall hold their office for the term of one year, and until their successors are elected and duly qualified. That said Trustees,

before they enter upon the duties of their office, shall take an oath before some Judge or Justice of the Peace, that they will faithfully and without affection or partiality to any one, discharge the duties of Trustees to said town, during their continuance in office.

Sec. 3. That said Trustees shall proceed, after their qualification, to elect one of their number Chairman, who shall preside at their meetings, and have power to convene the Board, when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed and put in force.

Sec. 4. That said Trustees and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of Columbia," and by that name shall be capable in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts, matters, and things which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

Sec. 5. That said Trustees, or a majority of them, shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side walks of said town, or which may hereafter be opened, and may direct the improvement of the same, in such manner as they may deem most beneficial to the interest of said town; they shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding ten cents on the hundred dollars, in any one year, and a poll tax on each white male over twenty one years of age, not exceeding one dollar; they shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they, by their by-laws may declare; they shall have the power to suppress all tippling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offence, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars, which may be recovered before the Police Judge herein-after provided for, or any Justice of the Peace of Adair county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to declare what are nuisances and remove the same; they shall have power to provide for the security of said town against fire, by organizing a fire company, defining their duties and punishing by fine those who shall fail to perform the duties required of them; they shall have power to inflict a fine not exceeding one dollar for the failure of any member to attend the meeting of the Board, and for good cause, (two thirds of all the Trustees concurring,) may remove a member; they shall have power to fill all vacancies; they

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To elect a
Chairman, his
duty, &c.

Style of cor-
poration, &c.

Powers of
Trustees.

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shall have full power to pass all by-laws and ordinances necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

Trustees duty
to appoint
Treasurer, &c.

Treasurer to
give bond.

SEC. 6. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and take from them respectively, bonds with approved security, payable to the Board of Trustees of Columbia and their successors in office, in such penalty as said Trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

Governor to
appoint a Po-
lice Judge, his
oath.

His powers and
duties.

SEC. 7. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer, to be styled the "Police Judge of Columbia," who shall be commissioned as such during good behavior, who, before he enters upon the duties of his office, shall take an oath before some Justice of the Peace, to discharge the duties of his said office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as are usually required to be taken of public officers. The said Police Judge shall have jurisdiction within the limits of said town, and within a square of two miles around said town, the Court house in said town to be taken for the centre, of all civil causes of which Justices of the Peace have jurisdiction. In all criminal cases arising in the county of Adair, said Police Judge shall have the jurisdiction as a court of inquiry, now given by law to two Justices of the Peace, and shall proceed in like manner as said two Justices are required to proceed in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgment and award execution accordingly. He shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat* and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, and upon their failure to attend, to issue compulsory process to compel their attendance. He shall have power to fine and imprison for contempt: *Provided*, That said fine shall, in no case, exceed ten dollars nor the imprisonment twelve hours. He shall have power to order the Marshal to summon a jury in any case cognizable before him, where a jury would be re-

quired before a Circuit Court or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions and certify the same, to be read as evidence in any cause pending in any court where the depositions now authorized to be taken by Justices of the Peace may be read. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a violation of the ordinances or by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding over it in any case, except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; for each subpoena, twelve and a half cents; for each original judgment in a civil case, twenty five cents; all other fees of said Judge shall be the same as those allowed to Justices of the Peace for like services, and collected in the same way.

Sec. 8. That it shall be the duty of the Treasurer and Clerk to keep a record of the preceedings which properly belong to their respective offices; and it shall be the duty of the Treasurer to render an account to said Trustees, of all moneys received and paid out by him, whenever by them required so to do.

Sec. 9. The Police Judge shall have jurisdiction of all cases of motions and suits against the Treasurer, Marshal or Deputy Marshal, Clerk, or other officer of said town, for all sums of money or other thing that may be due from them or either of them.

Sec. 10. That from all judgments rendered by said Police Judge, either party may appeal to the Circuit Court, under the same rules and regulations authorizing appeals from judgments of Justices of the Peace to the Circuit or County Courts.

Sec. 11. That it shall be the duty of the Marshal to serve all process and precepts to him directed, from the said Police Judge, and make due return thereof; collect all taxes of said town, executions and other demands which may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings which may be had against Sheriffs or Constables in similar cases. The said Marshal shall have the same power, and be entitled to the same fees for collecting the town tax that Sheriffs have for collecting the county levy and revenue tax, and in all other cases, the same fees allowed Constables for similar services: *Provided, however,* That the said Judge shall have power and authority to direct his process to be executed by any Constable or Sheriff of the county of Adair. Said Mar-

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Treasurer's
duty.Jurisdiction of
Police Judge.Marshal's du-
ty.

His fees.

1844

shall shall be invested with all the power and authority which is given to Constables, in all cases cognizable before said Police Judge; he shall have power, if need be, to summon the power of the county to aid him in executing any process to him directed; any person or persons failing to aid said Marshal, when so summoned, may be fined or imprisoned by said Police Judge, the fine not to exceed ten dollars or the imprisonment twelve hours.

Sec. 12. That all fines and forfeitures for a violation of the ordinances or by-laws of said town, in all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board of Trustees, for the use and benefit of said town; and all moneys collected by a judgment of a Justice of the Peace, for a violation of any of the ordinances of said town, committed within the limits of said town, shall, in like manner, be paid over to the Treasurer.

Sec. 13. That no money shall be drawn from the Treasury, except by order of the Chairman, in pursuance of allowances made by said Board of Trustees.

Sec. 14. That the Trustees shall have the power to impose a tax upon all domestic animals running at large in said town.

Sec. 15. The Trustees shall annually appoint one town Assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each separately, the amount of his, her or their whole estate within said town, subject to taxation under the laws of this Commonwealth, which list shall be taken in the same manner that the revenue lists are now, or may hereafter be taken.

Duty of Clerk. **Sec. 16.** It shall be the duty of the Clerk of the Board of Trustees to make out, and deliver to the Collector, a fair copy of the Assessor's book, with the amount of tax to be paid by each individual, and take his receipt therefor; and the Trustees, by their warrant, shall authorize and direct the Collector to collect the same, and shall make said Clerk, Assessor and Collector, such compensation as they may deem proper.

Wells, &c. to be repaired. **Sec. 17.** The Trustees shall have power to repair and keep in order, the wells and springs of said town, at the common expense.

Laws to be recorded. **Sec. 18.** The Trustees shall cause all the by-laws and ordinances passed by them from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same on the door of the Court House, and each of the taverns in said town.

Trustees to license taverns, &c. **Sec. 19.** The said Board of Trustees shall also have a right to tax, and the exclusive right to license, all taverns and houses of private entertainment, within said town; but tavern keepers shall also be liable to pay the revenue tax of ten dollars; but no license shall be granted, whereby spirituous liquors or wines may be retailed, except to a tavern keeper, upon the payment of a tax to be fixed by said Board of Trustees, not to exceed one hundred dollars per year.

Fines to be paid into the Treasury.

Money, how drawn from the Treasury.

Tax on animals.

Assessor, his duty, &c.

Duty of Clerk.

Wells, &c. to be repaired.

Laws to be recorded.

Sec. 20. That said Trustees, two thirds concurring, shall have power and authority to suspend, either indefinitely, or for a fixed time, any license which they may grant, or which may have been granted to a tavern keeper, whenever they shall be satisfied said tavern keeper has permitted any unlawful gaming in his house, or has permitted any person or persons to tipple or drink to intoxication in his house: *Provided, however,* That no license shall be suspended, until the said tavern keeper shall have had at least five days previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person whose license shall have been suspended by said Board of Trustees, shall afterwards sell, by retail, any spirituous liquor or wine, during such suspension, he shall be deemed guilty of keeping a tippling house.

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May suspend
license, and for
what reasons.

Sec. 21. That said Trustees may also cause the side walks in said town to be curbed and paved, as they may direct, the cost whereof shall be apportioned and assessed against the owners of said lots fronting said side walks, and a lien is given on said lots for the same, or the Board of Trustees, in their discretion, may cause said lots to be rented out until said improvements are paid for.

Side walks.

Sec. 22. That the title to the lot of ground, containing one, and one half acres and 34 poles, heretofore conveyed by Jas. Walker to the former Trustees of said town, and by them set apart as a common burying ground, be, and the same is hereby vested, when elected, in the Trustees and their successors in office, authorized to be elected by this act; and that said Trustees and their successors, have entire control of said burying ground. It shall be the duty of said Trustees to appoint, annually, some suitable person to keep said burying ground in repair, and allow him such compensation as may be necessary for that purpose, to be paid out of the town Treasury.

Title of bury-
ing ground
vested in Trust-
tees.

Sec. 23. That all titles, by deeds and conveyances heretofore made to former Trustees of said town, all powers and authority given them from time to time by the Legislature, not repugnant to this act, be, and the same are hereby vested in the Trustees and their successors, when elected, who are authorized to be elected under this act.

Deeds made to
former Trust-
tees vested in
the successors.

Sec. 24. It shall be the duty of the Trustees, in every year, at least ten days before the annual election, to appoint two competent persons as judges of the election, who, being first sworn before the Police Judge or a Justice of the Peace, shall, in conjunction with the Clerk of said Board, hold an election for Trustees, as heretofore provided: *Provided,* That if the said Trustees, at any time, should fail or refuse to appoint the judges for conducting the election of Trustees, the County Court of said county shall, at their next or some succeeding court, on the application of any person, appoint judges and a clerk to conduct said election, and fix a day therefor.

Elections of
Trustees, how
held.

1844

Trustees not to open any new street or alley.

SEC. 25. The first section of this act shall not be construed so as to authorize the Trustees to open any new streets or alleys, or extend any old street or alley, or lay out any additional town lots, without the consent or request of all persons effected thereby, or interested in the lands through which such new street or alley, or extension of any old street or alley, might run; but they shall have power to open any old street or alley that may now, or hereafter be closed.

Lean on property for taxes due thereon.

SEC. 26. That for any tax to be levied under this law, upon the personal and real property in said town, as extended by the first section of this act, there shall exist a lien in favor of the Trustees for said tax, unless the same shall be paid; and in case the owner or owners of such property, or some one for them, shall fail to pay such tax, on or before the first day of September in each year, it shall be lawful for said Trustees, by their town Collector, to sell, at the Court House door in said town, at the October County Court, so much of said real estate as will pay off and discharge the tax due thereon, which shall vest the purchaser with the right to hold the same: *Provided, however,* That the owner or purchaser of any such real estate so sold, their heirs, executors or administrators, may, at any time within two years, redeem the same, by paying or tendering to the purchaser, or in case of his absence or removal, to the Clerk of the Board of Trustees, the sum for which it sold, with interest thereon, at the rate of ten per cent. per annum, from the time of such sale, until the day of payment or tender; and if the owner of any property so sold, shall fail to redeem the same within two years, the Trustees shall, if required so to do, convey the said estate so sold to the purchaser.

How sold, &c.

Who shall hold the first election.

SEC. 27. That William Caldwell and William G. Lobban, as Judges, and Jonah Harris, as Clerk, shall, after giving notice thereof, proceed to hold the first election for Trustees under this act, at the Court House in Columbia, on the first Saturday in May, 1844; and should one or more of them be absent, those remaining may fill the vacancy.

SEC. 28. That all acts or parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Approved, February 27, 1844.

CHAPTER 233.

AN ACT for the benefit of Fielding Neal and wife, and their children.

Preamble.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Fielding Neal, by deed of date 18th November, 1836, and of record in the Oldham County Court Clerk's office, conveyed to George Marshall, Trustee, in trust for the use and benefit of himself and Maria, his wife, with remainder to the use of their children, certain personal estate, together with a tract of land containing about

one hundred and forty four acres: and whereas, the said Neal and wife are desirous to exchange said tract of land with Fountain Boulware, for a tract of four hundred acres of land situate in the county of Monroe and State of Missouri: and whereas, it is represented by the said Neal and wife, and George Marshall, the Trustee, (who is since dead,) and father of the said Maria, that the proposed exchange will result beneficially to the said Neal and wife, and their children—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the aforesaid Neal and Maria, his wife, for themselves and as the next friend for their infant children, to file their bill of petition in the Oldham Circuit Court, stating and setting forth any contract and agreement they have made with the aforesaid Boulware, touching an exchange of the aforesaid lands, making the aforesaid Boulware and such of their children as are married or of the age of twenty one years, defendants; and if, upon a full and fair presentation of the facts in the case, and the condition and circumstances of the said Neal and wife and family, the Judge of the aforesaid Oldham Circuit Court shall be of the opinion that the exchange of the lands designated in the preamble hereto, will result beneficially to said Neal and wife and their children, it shall and may be lawful for said Judge to order and decree a conveyance, by his Commissioner, from the aforesaid Neal and wife and their children, for the aforesaid one hundred and forty four acres of land in the aforesaid county of Oldham, to the aforesaid Fountain Boulware; which conveyance, when so made and acknowledged, shall vest the title in fee simple, in said Boulware, who shall, also, by the decree that may be rendered in the case, be required to execute and have properly authenticated for record in the County Court Clerk's office of Monroe county, in the State of Missouri, a good and valid deed for the aforesaid four hundred acres of land, situate in the State of Missouri, to some Trustee approved and appointed by said Judge, which said Trustee shall hold said four hundred acres of land, for the use and benefit of said Neal and wife and their children, and in accordance with the terms and stipulations of the aforesaid conveyance of 18th November, 1836, of the aforesaid Neal to the aforesaid George Marshall; and said Judge is authorized and required to make such other and further orders and decrees in the premises, as may be necessary and proper to guard and protect the rights and interests of the parties interested, and effectuate the exchange of the lands herein referred to.

An exchange
of land may be
confirmed.

Approved, February 27, 1844.

LAWS OF KENTUCKY.

1844

CHAPTER 234.

AN ACT to authorize Jordan Bass to build a fish dam on Pond river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Jordan Bass, of Christian county, to build a dam and fish trap on Pond river, about two miles below the head of navigation: *Provided*, That said dam shall not be more than two feet high; and the County Court of Muhlenburg county are hereby required, when satisfactory information is given to them that said dam tends to obstruct the navigation of said stream, to cause said Bass to remove said dam, within thirty days after notice to that effect.

Approved, February 27, 1844.

CHAPTER 235.

AN ACT for the benefit of the Surveyor of Spencer county.

WHEREAS, it is represented to the General Assembly, that Charles B. May, the Surveyor of Spencer county, has failed to renew his official bond as required by law—therefore,

May execute
bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Surveyor be permitted to execute an official bond in the County Court of said county, with two or more sufficient securities, to be approved of by said court, with the like penalty and condition as is now required by law; which bond shall be made payable to the Commonwealth of Kentucky, and may be executed at the April, May, or June term of said court, in the year 1844, and shall be as valid, to all intents and purposes, as if the same had been executed at the time, and in the manner heretofore required by law.

Approved, February 27, 1844.

CHAPTER 236.

AN ACT for the benefit of Nathaniel Wolfe, of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts, be directed to issue to Nathaniel Wolfe, on his application, a warrant on the Treasury for the sum of one hundred dollars, for his services as prosecuting attorney, in the case of the Commonwealth against McLaughlin, for murder, in the Shelby Circuit Court; and the Treasurer is hereby directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved, February 27, 1844.

CHAPTER 239.

AN ACT for the benefit of James M. George, of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor draw his order upon the Treasurer, in favor of James M. George, for the sum of thirteen dollars and fifty cents, that being the amount received into the Treasury, for the one hundred and fifty per cent. charged against said George, for failing to list his taxable property for the year 1841.

Approved, February 27, 1844.

1844

CHAPTER 240.

AN ACT for the benefit of the Buck Run Academy.

WHEREAS, it is represented to this General Assembly, that John Taylor, late of the county of Franklin, did, on the 9th day of September, 1832, by deed now of record in said county, convey to James M. Bradford, Wm. D. Hubbell, Isaac Wilson, Isaac Wingate, Thomas L. Tate, William French, A. Macklin, Piersaul Douthet, and Joseph Smith, a certain lot of ground, described in said deed, for the use of school: and whereas, by joint neighborhood effort, a large stone school room has been erected on said lot, known by the name of Buck Run Academy, since which, some of the original grantees have emigrated to other States, and doubts are entertained whether those still remaining, with their present associates, can, with safety, proceed to take such measures as shall secure the success and permanency of said school, according to the manifest intention of said grantor—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Isaac Wilson, William French, Thomas L. Tate, Isaac Wingate, Thomas Blackburn, Piersaul Douthet and Franklin Chinn, shall, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Buck Run Academy, and by that name shall have perpetual succession, and a common seal, and in that name, to sue and be sued, plead and be impleaded, to acquire any estate, real, personal or mixed, by gift, purchase or otherwise, and the same to hold, sell and convey, to the only use and purpose of conducting and supporting said Academy.

Trustees incorporated.

SEC. 2. Said Trustees shall have power to appoint a Chairman to their Board, a Treasurer, Clerk, and all such officers and agents, as they may deem necessary and proper for the judicious management of the property and funds of said corporation; they shall have power to appoint a principal teacher, and such under or assistant teachers as they may deem proper, for the instruction and suitable discipline of the pupils, and remove any of their officers or preceptors, when, in the

A Chairman
and other offi-
cers to be ap-
pointed.

Powers of the
Trustees.

1844

By-laws.

opinion of the Board, the interests of the corporation require it; they shall have power to enact by-laws, and all needful regulations for the government of the Board of Trustees, their officers, instructors and pupils: *Provided*, That same are not inconsistent with the Constitution and Laws of this Commonwealth; they shall have power to fill all vacancies occurring in the Board of Trustees; and in the transaction of all business by the Board, a majority shall constitute a quorum: *Provided, however*, That no principal teacher or Trustee, shall be appointed or removed after appointment, without the concurrence of two-thirds of the Trustees in office.

Meetings of
the Trustees.

Sec. 3. The Chairman of said Board, shall, at all times, have power to call a meeting of the Board of Trustees, and when requested by the principal teacher at said Academy, or any three members of the Board, it shall be his duty so to do.

May adopt the
System of Com-
mon Schools.

Sec. 4. That, if at any time hereafter, the Trustees of said Academy, with the approbation of the qualified voters in the Common School District within which said Academy is located, shall decide to adopt the system of Common Schools, said Trustees may do so; and the said lot of ground and school house, shall, in that event, be entitled to all the privileges and advantages of Common Schools, under the general laws passed for the benefit of Common Schools, and the Trustees shall be elected according to said laws.

Power to re-
peal, &c. re-
served.

Sec. 5. The right to repeal, alter or modify this law is reserved to the Legislature.

Approved, February 27, 1844.

CHAPTER 241.

AN ACT for the benefit of the town of Marion, in the county of Scott.

Bounds of the
town.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Marion, in the county of Scott, be so laid out as to extend one fourth of a mile on, and include the crossing of the Georgetown, Cynthiana, Lexington, and Turkey Foot roads, and so as to embrace all the lands in a boundary to that extent, and that C. A. Ward, J. T. Sutphen, and M. Barcley be, and they are hereby appointed Trustees in and for said town, who shall hold their offices until the first Saturday in January, 1845, or until their successors are duly elected and qualified.

Election of
Trustees.

Sec. 2. That an election shall be held on the first Saturday in January, 1845, and on that day in each succeeding year, for three fit persons for Trustees in said town; and all persons residing in said town, who are entitled to vote at elections in this Commonwealth, shall be entitled to vote for Trustees for said town, the Clerk of the Board of Trustees giving ten days' previous notice of such election.

Oath of Trus-
tees.

Sec. 3. That the Trustees aforesaid and their successors in office, before entering upon the duties thereof, shall take an

oath, before some Justice of the Peace in the county of Scott, faithfully to perform the duties of said office, and shall elect such other town officers as they may deem expedient and proper.

Sec. 4. That the said Trustees and their successors be, and they are hereby authorized to make all such by-laws and ordinances, for the good government of said town, as they may deem necessary and proper, not inconsistent with the constitution and laws of this Commonwealth. By-laws.

Sec. 5. That the Trustees of said town may assess and collect taxes, not exceeding one dollar for each tithe and fifty cents on each hundred dollars worth of property in said town, and also, tax shows and exhibitions, and do all such other things as they may deem expedient for the proper laying off and regulation of said town, not in violation of the restrictions in the fourth section of this act. Assess and collect taxes, &c.

Approved, February 27, 1844.

CHAPTER 242.

AN ACT for the benefit of John Gilkerson, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That G. V. Goble be permitted to bring into this State and keep him, a negro boy named Jordan, without incurring the penalty of the law against the importing or purchasing slaves, and that John Gilkerson be exempt from the penalties of the said law, so far as the sale of the aforesaid boy is concerned: *Provided*, Said Goble shall, by 25th of March, make oath before a Magistrate, and lodge his affidavit in the Clerk's office of Lawrence County Court, that he purchased said boy for his own use, and will not sell him for five years within this Commonwealth.

Approved, February 27, 1844.

CHAPTER 243.

AN ACT to incorporate the town of Lewisport, in the county of Hancock, and to authorize the appointment of one additional Justice of the Peace and Constable to said county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free white male inhabitants, residing in the town of Lewisport, in the county of Hancock, and the owners of lots in said town, shall, on the first Monday in April, in the year 1844, and on the same day in every year thereafter, meet at some convenient place within said town, and proceed to elect five Trustees for said town, who shall hold their office for one year next after their election, and until their successors are duly elected and qualified; and the said first election shall be conducted under the direction of

Election of
Trustees.

1844

Samuel Pate or some other Justice of the Peace of said county, who shall act as Judge therein; and said Trustees, before entering upon the duties of their office, shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

Trustees incorporated.

SEC. 2. That said Trustees so to be elected, and their successors, shall be a body corporate, by the name and style of the "Trustees of the town of Lewisport," and by such name may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this Commonwealth; they shall have power to pass all necessary ordinances and by-laws for the improvement, regulation, and advancement of the interest and protection of the morals of said town, as they may deem necessary, not inconsistent with the constitution and laws of this State.

Powers of the Trustees.

SEC. 3. That said Trustees may grade and improve a landing on the Ohio river, in front of said town, and they may receive a conveyance, by donation, or may purchase any lot or lots of ground in or near said town, for the purpose of erecting thereon a market house, school house, or other necessary public building or buildings, and may order, provide for, and contract for their erection; they shall have power to assess on the legal tithables of said town, any sum not exceeding one dollar each, and may levy an ad valorem tax on the real and personal estate within said town, that is now subject to the revenue laws of this Commonwealth, not to exceed fifty cents on each one hundred dollars worth of property; they shall have power to contract for the sinking of wells, the protection of springs, the grading and improvement of the streets and alleys, and the paving of side walks of said town; they shall have power to levy and collect from the owner or managers of all exhibitions of animals, or shows of all and every description, that may be exhibited within the limits of said town, any amount that may be ordered by the Board of Trustees, not to exceed the sum of twenty dollars, and may pass by-laws to prevent racing, running horses, or shooting within the limits of said town, and the suppression of all other disorderly conduct or practices within the same; they shall appoint one of their body as President, who shall sign the record of the proceedings of each meeting, who shall have power to call a meeting of the Board at any time, and to preside over the meetings and preserve order. It shall require a majority of said Trustees to do business, and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by said Trustees, shall be by them appropriated to the purchases and improvements before directed.

Clerk.

SEC. 4. That said Trustees shall elect a Clerk, who shall continue in office one year, or until another is duly appointed and qualified, who shall take an oath faithfully to discharge the duties of his office; and whose duty it shall be to preserve and

safely keep all papers belonging to or filed with said Board; and shall attend the meetings of said Board, and record all their proceedings, in a book to be procured by said Board for that purpose, and shall copy and certify all records and ordinances that may become necessary: and shall record a map or plan of said town in said book, when made out and furnished.

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Sec. 5. That said Trustees shall appoint an Assessor, to assess the property and persons within said town, liable to taxation, and fix his compensation; they shall, also, appoint a Collector, who shall have power and authority to collect by distress or otherwise, the tax levied upon the property and persons as before directed. Before said Collector shall proceed to perform the duties prescribed by this act, he shall execute bond, to be filed with and approved of by said Trustees, with good security, in such penalty as the Board shall direct, payable to said Trustees, and conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for a breach of the condition of said bond, said Trustees shall have power and authority to move against said Collector, either by suit on said bond, or motion in the Hancock Circuit Court, and by a judgment of said court, recover against said collector and his securities, any amount of money that may be found due from him, with twenty per centum thereon, and shall have execution therefor against them; and the Clerk of said court shall endorse thereon, that "no security of any kind shall be taken."

Sec. 6. That said Board shall have power to appoint a Treasurer, who shall keep the funds of said Board safe, and pay the same over, by order of said Board, to such person or persons as they may direct; said Board may take bond and security of said Treasurer, conditioned as aforesaid, and for a breach of said bond, he and his securities shall be subject to the same proceedings and penalties that are prescribed by this act against delinquent collectors.

Treasurer.

Sec. 7. That said Board shall fix the rate of compensation to all the subordinate officers, and shall have authority to sue for and recover all penalties annexed to a breach of their ordinances and by-laws, before a Justice of the Peace or other proper tribunal having jurisdiction thereof.

Officers pay
and liabilities.

Sec. 8. That an additional Justice of the Peace and Constable be allowed to the county of Hancock, who may reside within the limits of said town of Lewisport.

Justice and
Constable.

Approved, February 27, 1844.

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CHAPTER 245.

AN ACT for the benefit of the Jailer of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joel D. Browning, Jailer of Hopkins county, be, and he is hereby permitted to hold the office aforesaid: *Provided,* His residence is within three hundred yards of the Jail of said county.

Approved, February 27, 1844.

CHAPTER 246.

AN ACT to establish a Warehouse, and Tobacco and Pork Inspection, in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established a public Warehouse, and tobacco and pork inspection, on the Cumberland river, on the lands of Thomas J. and John Cloyd, in Cumberland county.

Approved, February 27, 1844.

CHAPTER 248.

AN ACT for the benefit of the widow of James Frazer, deceased.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Kitty Ann Frazer, widow of James Frazer, deceased, George M. Page, and Ermin C. Page, his wife, late Ermin C. Frazer, and James H. Curd, and Elizabeth Curd, his wife, late Elizabeth Frazer, heirs at law of the said James Frazer, deceased, to file their bill or petition in chancery, in the Adair Circuit Court, making Margaret Ann Frazer, William E. Frazer, Ellen C. Frazer, Thomas H. Frazer and Adeline Frazer, infant children and heirs at law of the said James Frazer, deceased, parties thereto, and shall state in said bill or petition, that it is necessary, and would be to the advantage of all the parties concerned, to sell all the lands that the said James Frazer died seized and possessed, in Adair county; and shall file with said bill or petition, deeds or other evidences of title to the lands and lots prayed to be sold, which bill or petition shall be verified by the oath of said Kitty Ann Frazer, and the said Geo. M. Page; and when the said infant heirs shall be legally and properly before the court, by themselves and their guardian *ad litem*, it shall and may be lawful for said court, to decree a sale of the following tracts or parcels of land, lying and being in Adair county: one tract containing 163 acres; one of 69 acres; one of 100 acres; one of 25½ acres; one of 31½ acres; and two small lots adjoining the town of Columbia; and also one lot in said town, upon such terms and credit, as said court

A sale of land
authorized &c.

shall deem most advisable: *Provided*, Said court shall be of opinion, from the evidence, by proof made in court, orally or by deposition, or affidavit, that it would be to the interest and advantage of said infant heirs, to sell said tracts or parcels of land and town lot aforesaid.

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Sec. 2. That the said Kitty Ann Frazer, widow of said James Frazer, deceased, may be authorized and permitted to receive one third of the proceeds of the sale of said lands and town lot, as dower, upon her executing bond with good security, to be approved by the court, in double the sum received, conditioned, that the principal shall be paid to the heirs at her death, or sooner if she chooses, their respective portion of said sum received; or at her election, said court may decree her, in money, the value of her dower in the property herein authorized to be sold, to be ascertained in any manner the court may think best.

Sec. 3. That upon entering said decree, the guardian to said infant heirs, or in case they shall have no guardian, the court shall appoint a guardian, who shall enter into bond, with good security in at least double the amount said infants may be entitled to, of the purchase money that may arise from the sale of said lands and town lot, payable to them jointly and severally, conditioned to pay to each of them respectively, the portion to which each will be entitled under the statute of distributions, on their arrival, respectively, at the age of twenty one years, together with such interest as the same may produce.

Sec. 4. That it shall be the duty of said court, to appoint a Commissioner, to convey, as well on the part of said Kitty Ann Frazer, George M. Page, and Ermin Page, his wife, and James H. Curd, and Elizabeth Curd, his wife, as the said infant heirs of the said James Frazer, deceased, said tracts of land and town lot, to the purchaser or purchasers, after the purchase money shall be paid; which conveyance, when made and acknowledged before said court, shall be effectual in law and equity, to pass the title to the purchaser or purchasers.

Approved, February 27, 1844.

CHAPTER 251.

AN ACT concerning the Winchester Academy, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Winchester, and their successors in office, shall hereafter be, and they are constituted, ex-officio, the Trustees of the Winchester Academy, and the offices of the present Trustees of said Academy are hereby vacated; and all the property of said Academy, real, personal, and mixed, is hereby vested in the Trustees of Winchester and their successors, for the pur-

The Trustees
of Winchester
constituted
Trustees of the
the Academy.

1844**Their powers.**

poses expressed in the several acts of Assembly incorporating the Trustees of said Academy, defining their powers and duties; and the Trustees of said town, and their successors, shall have the same jurisdiction and control over said Academy and its property, which the present Trustees of said Academy now have, in virtue of said acts, for the prudential management as an institution of learning; and the Trustees of said town, and their successors, shall be under such obligation, and have such right and power to provide for the safe keeping and preservation of the property belonging to said Academy, as they are under and have in regard to the public property of said town; and moreover, they shall, in every respect whatever, stand in the same relation to said Academy, which the present Trustees of said Academy now occupy in regard thereto.

Covington Hotel Company incorporated.

Sec. 2. Be it further enacted, That Charles A. Withers, George M. Southgate, John T. Levis, James G. Arnold, G. C. Tarvin, Jonathan Hathaway, John S. Finley, H. C. Watkins, and Peleg Kidd, together with their associates, be, and they are hereby created a body corporate, under the name and style of the Covington City Hotel Company, and as such, and by said name shall be capable of purchasing, lensing, holding, selling, and conveying real and personal estate, of suing and being sued, pleading and being impleaded, answering and being answered, in courts of law and equity, and to contract and be contracted with, to have and use a common seal, and to have and to exercise all the necessary corporate powers to carry into effect the object of said company, and to have perpetual succession.

Capital stock.

Sec. 3. Be it further enacted, That the capital stock of said company shall be thirty thousand dollars, divided into shares of thirty dollars each, to be subscribed for by individuals and corporations; and, so soon as ten thousand dollars of said stock is subscribed, the said company shall be fully authorized to commence operations, and to do all the necessary acts to carry out the purposes of said company.

Commissioners to open books for subscription of stock.

Sec. 4. That the individuals named in the second section of this act be, and are hereby appointed Commissioners, who, or any three of whom, are hereby empowered and required to open books for the subscription of the capital stock of said company, within six months from the passage of this act, in the City of Covington, and such other places as they may deem proper, and to keep said books open for at least thirty days, and until ten thousand dollars shall have been subscribed, when the same may be closed: and when said sum of ten thousand dollars has been subscribed, it shall be the duty of said Commissioners to order an election for President and Directors, within twenty days thereafter; and said Commissioners shall, before opening said subscription books, give two weeks' public notice thereof; and also, ten days' public notice of the time and place of holding the elections of officers as aforesaid.

SEC. 5. Be it further enacted, That in the election for President and Directors, each stockholder shall be entitled to one vote for each share he may hold to the number of five shares, and one vote for every five shares he may have beyond the first five.

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Stock, how voted.

SEC. 6. Be it further enacted, That the management and control of the business of said company shall be confided to a President and five Directors, all of whom are required to be stockholders, and shall be elected annually, after the first election, on the first Monday in January of each year; that said President and Directors shall have power to adopt all useful and necessary by-laws for the regulation and management of the affairs of said company, to appoint a Treasurer and all other officers which may be necessary, and to require the said Treasurer and all other officers, before entering upon the duties of their respective offices, to execute bond with good and sufficient security, payable to said company, conditioned for the faithful performance of their duties.

President and Directors to be elected, &c.

SEC. 7. Be it further enacted, That it shall be the duty of the President and Directors of said company, to declare semi-annual dividends of the profits which may be realized from the business thereof.

Dividends.

SEC. 8. Be it further enacted, That the sum of five dollars on each share, shall be paid within ten days after subscribing, and the residue of said stock shall be paid at such time as the President and Directors may direct: *Provided*, That the calls shall not exceed ten dollars on each share, nor be made oftener than every thirty days.

Payment for stock.

SEC. 9. Be it further enacted, That the powers herein granted shall be, and are hereby limited to the establishment of a large and convenient Hotel, in the City of Covington, with all the necessary appendages, such as stables and out houses, and to purchase and hold all the necessary materials, goods and chattels needed in furnishing said Hotel; to the renting and demising said Hotel, with its furniture, stables, &c. and all such rooms and store houses as they may construct in the erection of said Hotel; but it shall not be lawful for said company, under any pretence, or in any manner, to exercise any of the powers and privileges of banking.

Powers limit ed.

SEC. 10. Be it further enacted, That Thomas C. Barnes, Walter Chiles, Ethan A. Hathaway, John Hanley, H. C. Ellis, Charles Gilkey, and George J. Stockton, together with their associates be, and they are hereby created a body corporate, under the name and style of the Mountsterling Hotel Company, and as such, and by said name, shall be capable of purchasing, leasing, holding, selling and conveying real and personal estate, of suing and being sued, pleading and being impleaded, answering and being answered, in courts of law and equity, to contract and be contracted with, to have and use a common seal, and to have and exercise all the necessary cor-

Mountsterling Hotel incorporated.

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porate powers to carry into effect the object of said company, and to have perpetual succession.

Capital stock. SEC. 11. That the capital stock of said company shall be twenty thousand dollars, divided into shares of twenty dollars each, to be subscribed for by individuals and corporations; and so soon as five thousand dollars of said stock is subscribed, the said company shall be fully authorized to commence operations and to do all the necessary acts to carry out the purposes of said company.

Subscriptions for stock. SEC. 12. That the individuals named in the tenth section of this act be, and are hereby appointed Commissioners, who, or any three of whom, are hereby empowered and required to open books for the subscription of the capital stock of said company, within six months from the passage of this act, in the town of Mountsterling, and such other places as they may deem proper, and to keep said books open for at least thirty days, and until five thousand dollars shall have been subscribed, when the same may be closed; and when the said sum of five thousand dollars has been subscribed, it shall be the duty of said Commissioners to order an election for President and five Directors, within twenty days thereafter; and said Commissioners, before opening said subscription books, shall give two weeks public notice thereof, and also, ten days' public notice of the time and place of holding the election for officers as aforesaid.

Stock, how voted. SEC. 13. In the election of President and Directors, each stockholder shall be entitled to one vote for each share of stock he may hold; and the management and control of the business of said company shall be confided to a President and five Directors, all of whom are required to be stockholders, and shall be elected annually, after the first election, on the first Saturday in January of each year. Said President and Directors shall have power to pass all useful and necessary by-laws for the regulation and management of the affairs of said company; to appoint a Treasurer and all other officers which may be necessary, and to require said Treasurer and other officers, before entering upon the duties of their respective offices, to execute bond with good security, payable to said company, in adequate penalties, conditioned for the faithful performance of their duties.

President and Directors to be elected and their duties.

Payments of stock.

Dividends.

Powers limited.

SEC. 14. That five dollars on each share shall be paid within ten days after subscribing, and the residue of the said stock subscribed, shall be paid at such time as the President and Directors may direct: *Provided*, The calls shall not be more than five dollars on each share, nor be made oftener than every forty days. And it shall be the duty of the President and Directors to declare annual dividends of the profits which may be realized from the business thereof.

SEC. 15. That the powers herein granted shall be, and are hereby limited to the establishment of a comfortable Hotel in the town of Mountsterling, with all the necessary appurte-

nances, fixtures, and appendages, to purchase and hold all the necessary materials, goods and chattels needed in said Hotel, and to the renting, leasing or demising said Hotel, fixtures, and appendages, and all such rooms and store or other houses which may be constructed in the erection of said Hotel; but it shall not be lawful for said company to exercise the powers of banking.

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Approved, February 28, 1844.

CHAPTER 252.

AN ACT for the benefit of Susan A. Boyce, of Logan county, and James M. Doom and others.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for John Grubbs, as guardian for Susan A. Boyce, to file his bill of petition in the Logan Circuit Court, praying the sale of a female slave, (now in the City of Louisville,) the property of his aforesaid ward; and if the Judge of said court shall be of opinion that it shall be to the interest of the said Susan A. Boyce, to decree a sale of said slave, it shall be his duty so to order and decree, and to direct the proceeds of such sale to be invested in the purchase of another slave, the title of which to vest in the aforesaid Boyce; and to make all other and further orders and decrees to guard and protect the rights and interest of the aforesaid Susan A. Boyce.

Court may decree a sale of a slave.

SEC. 2. Be it further enacted, That it shall be lawful for James M. Doom, and Sarah E. Doom, his wife, and Charles E. Nourse, the two latter by Charles Nourse, to file their petition in the Green Circuit Court, setting forth that Caleb Ewing had sold, on or about the year 1836, for their benefit and that of those, 120 acres of land, to William Richardson, who is since dead; that said 120 acres, is a part of 230 acres of land in Green county, conveyed to Martin A. Ewing and Caleb Ewing and Charles Nourse, for certain purposes, or with certain rights; and pray said court to appoint some discreet and fit person a Commissioner to examine said 120 acres of land, and report to court, his opinion whether the sale was for a full and fair price—upon the filing of which, the said court may appoint a discreet Commissioner, who, if not well acquainted with the land, shall examine it, and being first duly sworn, shall report to the court, what, in his opinion, is the value of said 120 acres of land, and whether the sale made by Caleb Ewing would redound to the interest of said Sarah E. Doom and Charles E. Nourse, to permit it to stand; and upon coming in of said report, and other evidence, if ordered by the court, the sale may be confirmed or vacated by said court; but before a decree shall be entered vacating said sale, all the necessary parties shall be brought before the court, and if the sale should be confirmed, the court may also confirm the deed

Court may confirm or vacate a sale of land.

LAWS OF KENTUCKY.

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already executed, or order other deed or deeds to be executed, and make such other orders and decrees as may be necessary in having the proper and effective title and right conveyed, as though said Sarah and Charles E., were of full and mature age.

Approved, February 28, 1844.

CHAPTER 255.

AN ACT to establish an Election Precinct at the house of Solomon Yorks, in the county of Harlan, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be, and the same is hereby established in the county of Harlan, to be holden at the house of Solomon Yorks, and the County Court of said county are hereby authorized and directed to appoint officers, under the general law now in force, to hold an election at said precinct, at all elections to be holden by law.

Sec. 2. Be it further enacted, That the place of voting now held at Samuel Greenwades, in Montgomery county, be changed to the house now occupied by A. T. Pettit.

Sec. 3. Be it further enacted, That the place of voting in Washington county, at the house of Leonard Seay, be changed to the house of Jacob Snider, in said county.

Approved, February 28, 1844.

CHAPTER 261.

AN ACT for the benefit of the Representatives of Thomas J. Gentry, dec'd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby authorized and directed to issue his warrant on the Treasury, in favor of the administrator of Thomas J. Gentry, deceased, lately a member of the House of Representatives of Kentucky, for the sum of seventy dollars, being the amount necessary to pay the funeral expenses of said T. J. Gentry; and the Treasurer of this Commonwealth is hereby directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved, February 29, 1844.

CHAPTER 262.

AN ACT for the benefit of Julian Chism, and Francis Head.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Julian Chism, as guardian of her son, Francis Head, to invest any sum not exceeding fifteen hundred dollars, belonging to said

Francis Head, in real estate in the City of Lexington; but before such investment shall be made, a statement of the proposed investment shall be presented in the form of a petition to the Judge of the Fayette Circuit Court, in chancery sitting, who shall cause said investment to be examined into, and if found advantageous to the infant and the title secure and good, shall authorize the same by decree, and cause the title to be invested in the said infant, in the same manner and on the same limitations, that said money is now held by said infant.

Approved, February 29, 1844.

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CHAPTER 263.

AN ACT to modify an act, entitled, an act divorcing sundry persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act divorcing sundry persons, approved 3d March, 1843, be, and the same is hereby so modified, as to divorce Richard W. Wilkins from his wife Rebecca, instead of Robert W. Wilkins.

Approved, February 29, 1844.

CHAPTER 264.

AN ACT for the benefit of Wm. M. Young, Constable of Hopkins county, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the district in which William M. Young acts as a Constable in the county of Hopkins, be so enlarged, as to include his, the said Young's residence.

SEC. 2. That so much of the first section of an act, entitled, an act to enlarge and define the powers of the Trustees of the town of Madisonville, approved February 22, 1843, as empowers the Trustees of said town to impose a tax not exceeding fifty dollars, upon the owner or occupier of each and every licensed tavern in said town, be, and the same is hereby repealed.

Approved, February 29, 1844.

CHAPTER 265.

AN ACT for the benefit of the heirs of James and Matthew Wakefield.

WHEREAS, James Wakefield, who intermarried Elizabeth Preamble Heady, who is now dead, and Matthew Wakefield, who married Rebecca Heady, who is now dead, have sold for a valuable consideration, all the right and interest which descended to the said Elizabeth and Rebecca, from their father, James Heady, in and to certain lands lying in the counties of Nelson

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and Spencer, which sales are represented and believed to have been made on advantageous terms, but because of the death of the said Elizabeth and Rebecca, who left children, the said James and Matthew are incapable, in law, to pass the fee simple title to the various purchasers—therefore,

*May convey
lands sold by
ancestor in his
life time.*

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Hilliard Brown and Indiana Brown, his wife, who was Indiana Wakefield, and Louisiana Wakefield, who are children of James and Elizabeth, his wife, and George W. Wakefield, and Stillwell H. Wakefield, children of Matthew and Rebecca Wakefield, who are under twenty one years of age, be, and they are hereby empowered, made able and capable in law, in conjunction with their fathers, to convey all the right and title to such lands as descended to their mothers, in the State of Kentucky, from their grand father, James Heady, which conveyances or deeds, shall be made under the same rules and regulations, forms and ceremonies, that now govern conveyances under the laws of this Commonwealth, now observed and in force by persons of full age, and who labor under no disability.*

*Account of
lands sold to be
made out, by
whom & where
to be made
and filed, guar-
dians to be ap-
pointed, and
give bond.*

Sec. 2. That before such deeds are made, it shall be the duty of the said James and Matthew, to go before the County Court of Spencer, and give an account, on oath, of the lands sold, the price for which it sold, and to whom sold, which shall be entered on record; they shall then, separately, enter as the guardians of their said children, and execute bonds, to be approved of by the said court, conditioned to pay to the said heirs, when they attain the age of twenty one years, all sums for which the lands sold to which they are respectively entitled, together with the accumulated interest thereon; and on failure to pay the same, suit may be brought in the name of the Commonwealth, for the benefit of any one of them to whom payment has not been made.

Approved, February 29, 1844.

CHAPTER 266.

AN ACT for the benefit of the widow and children of H. J. Logan, deceased.

Preamble.

WHEREAS, it is represented to this General Assembly, that Hezekiah J. Logan, deceased, did, on the second day of September, 1834, by deed of trust duly executed and recorded in the County Court Clerk's office of Henry county, convey to Allen Stewart, in trust for the use and benefit of his wife and her children, all his personal property, and one hundred and eighty one acres of land, in Henry county; by which deed of trust it is provided that said Trustee or his successors, by and with the consent of Laurinda Logan, widow aforesaid, to make any and every disposition of said property which they may think proper, for the use and benefit of the *cestui que trust*; and whereas, said Allen Stewart has depart-

ed this life, and William H. Allen has lawfully succeeded him, and the said Trustee and widow now believing that it will be to the interest of the said widow and her children, that said land be sold and the proceeds vested in lands in the State of Indiana, where said widow and children and relations now reside, to-wit: near Logansport—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the Judge of the Henry Circuit Court, on a bill now filed in said court, on being satisfied from the allegations and proof made by said Trustee and widow, (the heirs being made parties to the proceeding,) that it will be to the interest of said heirs and widow, to sell said tract of land and invest the proceeds of sale in lands in the State of Indiana, or a part thereof, so to order and decree, giving such credits as may seem just and proper, and direct that the lands so purchased, be conveyed to said Trustee, or some other suitable person in the neighborhood of the land, to be held in the same manner, and subject, in all things, as the land herein authorized to be decreed to be sold now is, in trust: *Provided, however,* That bond and sufficient security shall be required of said Trustee, or such other person as may enter on the performance of said sale and trust, for the faithful performance of all the duties assigned him or them by said court.

Judge Henry
Circuit Court
may decree
sale of land
held in trust,
and for what
purpose.

Proceeds to be
invested and
conveyance
made and to
whom.

Bond to be
given by Trust-
tee.

Approved, February 29, 1844.

CHAPTER 269.

AN ACT for the benefit of the widow and heirs of David Bibb, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the widow and heirs of David Bibb, deceased, late of Owen county, to file their bill or petition in chancery, in the Owen Circuit Court, setting forth that the said David Bibb, died seized and possessed of two tracts of land, lying and being in said county, one containing one hundred and fifty acres, and the other thirty seven and a half acres; that the first named tract has been sold under execution against the heirs, and is redeemable, by the payment of the purchase money; but that the means for redeeming cannot be raised by them, without selling the said tract of thirty seven and a half acres, with a prayer that said thirty seven and a half acres be sold for that purpose; and the said court is hereby vested with full power and authority to make a decree directing said sale, and the application of the proceeds of such sale to the redemption of said tract of one hundred and fifty acres, should the Chancellor of said court be satisfied that such a course will redound to the interest of the parties concerned; and said court is hereby empowered to make all such orders and decrees in the premises, as may be

Bill or petition
in chancery
may be filed,
and for what
purpose.

Court may de-
cree a sale of
lands, and for
what purpose.

1844

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necessary, to effect the object designed by this act; and shall require bond, with good security, from the guardian of the heirs, or other person entrusted with the proceeds of such sale, in such penalty as the court may fix, and with such conditions as the court may direct; and said court may act upon said bill or petition, and decree a sale of said land, at the first term of the court after the same may be filed.

Approved, February 20, 1844.

CHAPTER 273.

AN ACT to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839.

Jurisdiction of Police Judge and Marshal explained.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Police Judge of Frankfort shall have the same jurisdiction, power, and authority in civil cases, that any Justice of the Peace for Franklin county has; and the Marshal of the town of Frankfort, and his deputies, shall have the same power and authority in acting under process issued by the Police Judge of Frankfort, that any Constable of Franklin county has, in acting under process issued by a Justice of the Peace for said county: *Provided, however,*

Act of 1840, regulating jurisdiction not repealed.

Motions against Marshal and Constables may be made before Police Judge for failing to pay over money, &c.

That nothing in this section shall be construed to repeal the act regulating the jurisdiction of the Police Judge of the town of Frankfort, approved, February 19, 1840.

Sec. 2. That in every case, where the Marshal of the town of Frankfort, or his deputies, or any Constable of this Commonwealth, may collect any money on a warrant, attachment, distress warrant, execution, or other process issued by the Police Judge of Frankfort, or where the said Marshal or his deputies may collect any money on any note, order, account, fee bill, or other claim or demand placed in his or their hands for collection, and shall fail or refuse to pay the same, or any part thereof, to the person entitled to receive the same, on either a parol or written demand, in every such case the said Marshal and his securities, or the said Constable and his securities, as the case may be, shall be jointly and severally liable for the amount of money so collected, with interest thereon at the rate of fifteen per cent. per annum, from the time the same ought to have been paid until paid, recoverable by motion, before the Police Judge of Frankfort, on ten days' notice in writing.

Liability of Marshal and Constables for failing to return executions.

Sec. 3. In every case where said Marshal or his deputy, or any Constable of this Commonwealth, shall, without a good and sufficient cause, fail to return to the Police Judge of Frankfort, any execution issued by him, and which shall come to their hands for collection, within thirty days after the return day thereof, with a written return indorsed of what he has done with the same, said Marshal and his securities, or said

Constable and his securities, shall be jointly and severally liable for the amount of said execution, together with thirty per cent. damages thereon, recoverable by motion before the Police Judge of Frankfort, on ten days' notice in writing: *Provided*, That no motion shall be made under this act, against the securities of said Marshal or Constable, unless made within two years from the time of any such failure or refusal. And in all proceedings under this and the preceding section of this act, either party may appeal to the Franklin Circuit Court, where the Judgment rendered by the Police Judge shall exceed twenty dollars, under the same rules and regulations that appeals may be taken from judgments of Justices of the Peace, when the amount in controversy exceeds five pounds.

SEC. 4. Be it further enacted, That if the owner, hirer, or any person having the legal control or custody of any slave, shall suffer or permit said slave to hire his or her own time in the town of Frankfort, for any longer period than one day at any one time, or shall suffer or permit said slave to go at large and act for himself or herself, in said town, any person so offending shall be subject to a fine, in the discretion of the Police Judge of said town, of not less than one dollar nor more than five dollars for each offence, recoverable by warrant in the name of the Commonwealth of Kentucky, for the benefit of the Trustees of said town; which warrant may issue on the information of the Marshal of said town, and the fine shall be by him collected as other fines and penalties: *Provided*, That if the defendant is not found guilty of said offence, the Trustees of said town shall be liable for the costs of the case; and the twelfth section of the act to which this is an amendment, is hereby repealed.

SEC. 5. Be it further enacted, That so much of the 26th section of the act to which this is an amendment, as authorizes the Trustees of said town to impose and collect a tax upon the real estate in said town, to be applied to the discharge of the debt created by the erection of the water works in said town, be continued in force for any term not exceeding four years.

Approved, February 29, 1844.

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Motions a-
gainst before
Police Judge.

Notice to be
given.

Appeals may
be taken.

Penalty for
permitting
slaves to hire
their own time

How to be re-
covered.

Limitation to
tax on real es-
tate for water
works.

CHAPTER 274.

AN ACT for the benefit of John Hockersmith, of Logan county.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to issue a warrant in favor of John Hockersmith, for se-
venty dollars and seventy five cents, payable out of any money in the Treasury not otherwise appropriated, it being the amount paid by said Hockersmith to the Commissioners of the Lunatic Asylum, for the support and maintenance for

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one year, and expenses in conveying Matilda O'Bannon, a lunatic, from Logan county to the Asylum.

Sec. 2. *Be it further enacted*, That the Circuit Court for the county of Logan, may cause a jury to be empaneled, to inquire whether Matilda O'Bannon has sufficient estate for her maintenance for one year, in said Asylum; should said jury find that she has not, and upon that fact being certified by said court to the Commissioners of the Asylum, it shall, in that event, be the duty of the Commissioners of said Asylum to surrender and deliver up to said Hockersmith, his bond, executed by him for the support of Mrs. Matilda O'Bannon, which bond shall then, and in that event, be cancelled and held for naught.

Approved, February 29, 1844.

CHAPTER 278.

AN ACT to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Susannah Hagan, widow of Francis Hagan, deceased, to file her petition in chancery, in the Spencer Circuit Court, as provided for by an act of Assembly, passed and approved the 16th day of February, 1837, for the sale of 260 acres of land, named and specified in said act; and also one town lot in the town of Fairfield, not named in said act, which land and town lot, the Chancellor may, at his discretion, if it shall appear to the interest and benefit of the widow and heirs of the said Francis Hagan, deceased, direct, by decree, to be sold on such credits as may appear most to their benefit; which land and town lot as aforesaid, shall be sold as directed by the 2d section of said act; and one third of the money, (the widow's dower interest,) arising from such sale, shall be vested as directed by said second section of said act, in lands well selected, in either of the States of Kentucky, Indiana, Illinois or Missouri; and the title to said land, when purchased, shall be taken as directed in said second section of said act, and the said Susannah Hagan shall have a life estate in said land only, and at her death said land shall descend to the children and heirs of the said Francis Hagan, deceased.

Sec. 2. *Be it further enacted*, That so much of the act, passed and approved 16th day of February, 1837, as provides for the sale of the slaves of the said Francis Hagan, deceased, be, and the same is hereby repealed.

Approved, February 29, 1844.

CHAPTER 279.

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AN ACT providing for a change of venue in the prosecution against Jacob Froman.

WHEREAS, it is represented to the present General Assembly, That Jacob Froman stands indicted in the Washington Circuit Court for felony, and that owing to the prejudice and influence of many of the citizens of said county, he cannot have a fair trial before a jury of said county—for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Jacob Froman, to appear before the Washington Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Spencer Circuit Court, which election shall be noted on record, and thereupon the Washington Circuit Court shall recognize the said Froman, with good bail, to appear on the first day of the next ensuing term of the Spencer Circuit Court, to answer said indictment, and upon said indictment, and such other proceedings as may have been had thereon, being certified to the Spencer Circuit Court, the said Spencer Circuit Court shall take cognizance of said indictment and every thing incident thereto, in the same manner as if the offence for which said Froman is indicted had been committed in the county of Spencer; and the Judge of the Washington Circuit Court shall, in case the said Froman makes his election as herein provided, recognize the witnesses, as well on the part of the Commonwealth as the said Froman, (if they or any of them shall be in court,) to appear in the Spencer Circuit Court, to give evidence in said prosecution; and the said Spencer Circuit Court shall proceed upon all such recognizances, in the same manner as if entered into in that court; and in case said indictment shall be found defective, and shall be quashed, or the judgment arrested, said Froman shall not, for that cause, be discharged, but a special Grand Jury shall be summoned, if the regular Grand Jury shall have been discharged, and a new indictment found, if the evidence will warrant it, and the said Froman shall be tried thereon, in the same manner as if the offence had been committed in the county of Spencer.

Sec. 2. The Clerk of the Washington Circuit Court, upon the election of said Froman being made as herein provided, shall transmit, by the Sheriff of Washington county, the indictment, writ, and other papers, with a transcript of all orders made in the case, and said Sheriff shall take a receipt from the Clerk of Spencer Circuit Court therefor.

Sec. 3. That the witnesses attending the Spencer Circuit Court, in consequence of this change of venue, shall be allowed the same pay per day and mileage, as other witnesses going out of their county under legal process.

Preamble.

Venue changed
to Spencer
from Wash-
ington.Papers, &c. to
be transmitted.Pay to witness-
es.

Approved, February 29, 1844.

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CHAPTER 280.

AN ACT for the benefit of Jonathan Hathaway, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to issue a warrant upon the Treasury in favor of Jonathan Hathaway, Sheriff of Kenton county, for sixty one dollars eighty eight cents, it being money expended in arresting George Williams and Joseph Alguire, who made their escape from said Hathaway when being conveyed by him to the Penitentiary.

Approved, March 1, 1844.

CHAPTER 281.

AN ACT for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to release and return to St. Clair Roberts, one of the securities of Richard Chambers, Sheriff of Lawrence county, for the year eighteen hundred and thirty nine, the damages collected from said Roberts, after retaining the legal interest and costs.

Sec. 2. That said Auditor be also directed to issue a warrant in favor of Archibald Weatherford, of Hickman county, for five dollars, it being the amount due him for money paid for a tavern licence, which he was deprived of by the formation of Ballard county.

Approved, March 1, 1844.

CHAPTER 285.

AN ACT for the benefit of Eli Rogers.

Preamble. WHEREAS, it is represented to the present General Assembly, that John Hackley, son of George Hackley and Lucy Hackley, free persons of color, was emancipated and made free by an act of the Legislature, entitled, an act for the benefit of Lucy and John Hackley, approved, January 8, 1831, and he was also, by said act, vested with the fee simple title to the real and personal estate of the said George Hackley, deceased, to pass, and go to him on the death of his mother, Lucy Hackley. And it is further represented that the said John Hackley has since died, and left only a half brother, son of said Lucy, by the name of Eli Rogers, a free man of color; now, for the purpose of vesting in him the title to all the property thus vested in and secured to said John Hackley, deceased—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the death of the said Lucy Hackley, all the real and personal estate that the said John Hackley would have been entitled to had he survived his mother, Lucy, shall vest in and pass to the said Eli Rogers, the half brother of the said John Hackley, deceased, in as complete and perfect a manner as it would have passed to the said John Hackley, deceased, had he survived his mother, Lucy.

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Directing the manner in which the property shall descend.

Approved, March 1, 1844.

CHAPTER 286.

AN ACT for the benefit of William Rowlett, of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvements are hereby authorized to take proof as to the damages sustained by William Rowlett, of the county of Owen, from the overflowing of his farm in said county of Owen, by reason of the slackwater upon the Kentucky river; and they shall cause to be paid out of the Internal improvement fund, whatever damages they may consider said Rowlett entitled to, after taking into consideration the advantages and disadvantages of the slackwater to his said farm.

Approved, March 1, 1844.

CHAPTER 288.

AN ACT for the benefit of the heirs of Lydia Shults, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Abraham Shults derived title, in right of his late wife, Lydia, late Hayden, to a portion of land, lying and being in the county of Nicholas, and received a Commissioner's deed for the same, in a partition of the real estate of Lot Hayden, deceased, who was the father of the aforesaid Lydia; and whereas, it is further represented that the aforesaid Abraham Shults sold and executed a title bond for a small portion of the land so derived as aforesaid, to Joseph D. Butler, who sold the same to one Nathan Bramlett, who sold the same to Thomas E. Bond, no conveyance having been made to either of the aforesaid vendees; and whereas, the aforesaid Lydia Hayden, late Shults, has departed this life leaving several children; now, for the purpose of perfecting a title to the aforesaid land in the aforesaid bond, who is the assignee of the title bond of the aforesaid Abraham Shults,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the aforesaid Abraham Shults to file his bill of petition in the Nich-

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olas Circuit Court, setting forth the facts in the foregoing preamble, making his children by the aforesaid Lydia, defendants, and upon the answers filed by the aforesaid defendants, or the answers of any minor or minors by his or her next friend, it shall and may be lawful for the Judge of the aforesaid court to decree a conveyance to the aforesaid Bond, by a Commissioner, from the heirs of the aforesaid Lydia Shults, deceased: *Provided*, Said Judge shall be of opinion that the interest of the aforesaid heirs will not be prejudiced by the decree herein authorized.

Approved, March 1, 1844.

CHAPTER 289.

AN ACT for the benefit of Lewis Vimont.

WHEREAS, it is represented to the present General Assembly, that, in pursuance of the provisions of an act, entitled, "an act to amend an act, approved the 23d Feb., 1837, entitled, an act for the benefit of the Winchester and Lexington Turnpike road Company," approved the 15th of February, 1838, Lewis Vimont did, on the 4th of April, 1838, execute and sign a writing, "releasing the entire stock and dividends accruing to the State, pledged to him by virtue of the contract between" him and the said company, in order to entitle him to the benefit of the provisions of said acts: and it is further represented that the appropriations mentioned in said acts, or the greater portion of it, was used by said company in finishing the said road, and not paid to said Vimont, as he had a right to expect, and as it was the intention of said acts should have been done: and it is further represented, that the said company is now largely indebted to said Vimont, for work done in the original construction of said road, and that he has obtained a judgment against them for the same, in the Franklin Circuit Court; but the stock of the State having been released as aforesaid, he is unable to make his money out of the individual stock in said company—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Commonwealth doth hereby give up and release to the said Vimont, all benefit or advantage intended to be conferred on her by the aforesaid writing of the 4th of April, 1838, so that he shall be at liberty to pursue all the remedies under the provisions of his contract, for the recovery of his said debt, as though the said writing of the 4th of April, 1838, had never been executed and signed: *Provided*, That inasmuch as by the payment of the money appropriated by the said acts, the State owns \$12,000 of stock in said company, over and above that of individuals, corporations, &c., nothing in this act shall authorize the subjecting of the said \$12,000 to the payment of said Vimont's claim, the object of this act being to place the said Vimont in the pre-

cise position he would have been in, had neither the acts aforesaid been passed, nor the appropriation therein named, paid to the company, and as though the said paper of the 4th of April, 1838, had never been executed and signed.

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Approved, March 1, 1844.

CHAPTER 290.

AN ACT for the benefit of John W. Price.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby required to issue his warrant upon the Treasury, in favor of John W. Price, for the sum of fifty dollars, being the balance in full for his services and expenses in apprehending, under a requisition of the Governor of Kentucky, one T. N. Bennet, charged with felony, and delivering him to the custody of the Jailer of Jefferson county.

Approved, March 1, 1844.

CHAPTER 291.

AN ACT for the benefit of John M. Hayden, of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to issue his warrant in favor of John M. Hayden, of Pulaski county, for forty one dollars, it being the amount allowed to said Hayden by the Pulaski Circuit Court, for conveying Peter W. Sears, a Lunatic, to the Asylum in the City of Lexington.

Approved, March 1, 1844.

CHAPTER 292.

AN ACT to incorporate the Boyle County Mutual Insurance Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That David Bell, Michael G. Youse, Charles Henderson, Joseph Weisiger, Christian Gore, Stephen N. Bowman, Robert W. Washington, Thomas R. J. Ayres and David A. Russell, and all other persons who may become members of said company, in the manner herein prescribed, be, and they are hereby created a body politic, by the name of "The Boyle County Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning, or any other means, except that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this State, or any of the Uni-

Persons incorporated.

Their powers, duties, &c.

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ted States; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record whatever; may have and use a common seal; may purchase and hold such real and personal estate, as may be necessary to effect the objects of their association; and the same may sell and convey at pleasure; may establish and put in execution, such by-laws, ordinances and resolutions, not being contrary to the laws of this State, or of the United States, as may seem necessary or convenient, for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

SEC. 2. That all and every person or persons, who shall, at any time, become interested in said company, by insuring therein, and also their respective executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the time specified in their respective policies, and no longer; and shall, at all times, be concluded and bound by the provisions of this act.

**Elections of
officers.**

SEC. 3. The individuals named in the first section of this act, shall be, and they are hereby constituted a Board of Directors for said company, to serve as such until the first annual election of Directors, which shall be held on the first Monday in December next, at which time there shall be a meeting of said company in Danville, and annually thereafter, on the first Monday in December in each year, or on such other day as said company may determine; at the first, and each successive annual meeting, shall be chosen by a major vote of the members present, and by proxy, a Board of Directors, consisting of not more than nine, nor less than five members, who shall continue in office until others have been chosen, and accepted the trust in their stead. In all vacancies happening in said Board, whether by removing from the State, dying, or refusing, or neglecting to act, for and during the space of three months successively, then, and in every such case, another Director shall be chosen in the place of such Director, so dying, removing, neglecting or refusing to act as aforesaid, by a majority of the Directors present at any monthly meeting, which Director, so chosen, shall remain in office until the next general election of Directors; and a majority of the whole Board shall constitute a quorum for the transaction of business.

**Vacancies,
how filled.**

SEC. 4. The Board of Directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company; they shall have power, from time to time, to appoint a Secretary, Treasurer, and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, and take such security from them, as they may deem necessary, for the faithful performance of

**Duties and
powers of board
of Directors.**

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their several duties; they shall determine the rates of insurance; the sum to be insured, on any building, not exceeding two-thirds of its value, nor one half the value of personal property, and the sum to be deposited for the insurance thereof; they shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw on the Treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the affairs of said company; they shall elect one of their own number to act as President, and may hold their meetings monthly, and oftener, if necessary, for transacting the business of said company; and shall keep a record of their proceedings; and any Director disagreeing with a majority of the Board, at any meeting, may enter his dissent and the reasons therefor, on record.

SEC. 5. The Directors may extend the Insurances of said company to any part of this State, on all the real and personal property within the same, (with the exceptions and provisions hereinafter enacted) not exceeding the sum of ten thousand dollars in any one risk, at such rate or rates as said Directors may, in view of the equity of the case, and the interests of the company determine. Insurances may be made upon the representation of the assured, contained in his application therefor, which must be in writing, signed by him or his attorney; which representations shall, in fairness and good faith, state the value of the property and all the material circumstances within his knowledge, which may affect the risk: *Provided, however,* That the Board of Directors may, by by-law or special order, direct a survey by the Secretary or a special agent appointed therefor: *And provided further,* In the case of loss or damage by fire, that the valuation of the property at the time of such loss or damage, shall be determined by the award of impartial men, as hereinafter provided for.

Damages, how assessed.

SEC. 6. Books of accounts, written securities, or evidences of debt, title deeds, manuscripts, or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company; curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, stationery, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless those articles, or any of them, form part of the usual and regular stock in trade of the assured, or are particularly specified in the policy. Breweries, chemical establishments, bleaching houses, oil mills, or the contents of either of them, alcohol, aquafortis, gun powder, spirituous liquors, tar, turpentine, varnish, or any other trades, wares, or merchandize, which may hereafter be excluded by said company, at any annual meeting, shall never be deemed insurable by the Directors of said company, nor any policy issued thereon.

Property not to be insured.

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Manner of effecting insurance.

Sec. 7. Every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money as shall be determined by the Directors, a part, not exceeding ten per cent., of which note shall be immediately paid for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the Directors shall deem the same requisite, for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

Sec. 8. Every member of said company shall be, and hereby is bound to pay his proportion of all losses and expenses happening and accruing in and to said company; and all buildings insured by and with said company, together with the right, title, and interest of the assured, to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his or their policies.

Sec. 9. In case of any loss or damage by fire, happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the Secretary of said company, within thirty days from the time such loss or damage may have happened; and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage.

How to proceed when damages allowed by Directors are not deemed sufficient.

And if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court to be held in and for the circuit of Boyle, and not afterwards, unless said court shall be held within sixty days after said determination; but if held within that time, then at the next court held in said county thereafter; and if upon the trial of said action, a greater sum shall be recovered than the amount determined upon by said Directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time such loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their costs: *Provided, however,* That the judgment last mentioned shall, in no wise affect the claim of said suffering party to the amount of damage or loss as determined by the Directors aforesaid: *And provided, also,* That execution shall not issue on any judgment against said company, until after the expiration of three months from the rendition thereof.

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Sec. 10. It is further enacted, That the tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty first, and twenty third sections of an act, entitled, "an act to incorporate the Nelson county Mutual Insurance Company," approved, February 17, 1841, shall be applicable to the company herein before incorporated, and shall be deemed and taken as a part of the charter of this company, as fully as if specially incorporated in the body of this charter.

Approved, March 1, 1844.

CHAPTER 293.

AN ACT to authorize S. M. Wilkins, and others, to erect a fish dam and trap in Pond river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Muhlenburg county, a majority of the Justices being present, shall be, and they are hereby authorized to make an order granting to S. M. Wilkins and others, the privilege of erecting a fish dam and trap in Pond river, requiring said Wilkins and others to execute bond with security, in adequate penalty, the security and penalty to be prescribed and approved by the court, the penalty to be payable to the Commonwealth of Kentucky, conditioned that the said Wilkins and others shall, at their own expense, remove said dam and trap within thirty days, whenever directed to do so by said court: *And provided*, that said dam shall not exceed two feet in height.

Approved, March 1, 1844.

CHAPTER 294.

AN ACT granting a change of venue in the prosecution against Anderson Hill.

WHEREAS, it is represented to this General Assembly, that Anderson Hill stands recognized to appear at the next term of the Cumberland Circuit Court, to answer a charge of an attempt to poison, and that he cannot have a fair trial in the county of Cumberland, by reason of the prejudice existing in said county against said Anderson Hill—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon an indictment being found against said Anderson Hill, upon the charge for which he stands recognized as aforesaid, a change of venue is hereby granted him, for the trial of such indictment, upon the election and consent of the said Anderson Hill, on the calling of said indictment being entered upon the records of the said Cumberland Circuit Court, that he prefers to be tried on the said indictment in the Russell Circuit Court; that when the said indictment shall

Venue changed from Cumberland to Russell.

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Jurisdiction of
Russell Circuit
Court.Orders, &c. to
be certified.

have been removed from the Cumberland to the Russell Circuit Court, and said Anderson Hill committed to the jail or recognized to appear in the Russell Circuit Court, then, and in that case, the said Russell Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment, as though said indictment had been found in said court, as also, to require the attendance of witnesses, and to do all things requisite to insure a fair and speedy trial of the said Anderson Hill; and said election being made, the Cumberland Circuit Court shall have the witnesses, as well for the Commonwealth as the defendant, recognized to appear and testify in the Russell Circuit Court, in said case, as said court might do for said purpose, if the case were to remain in said court; and if the indictment shall authorize a new indictment to be found in the county of Russell, the Clerk of the Cumberland Circuit Court, on said change of venue being ordered, shall certify all orders that have been made in said case, to the Russell Circuit Court.

Approved, March 1, 1844.

CHAPTER 295.

AN ACT for the benefit of Merial DeNeale, of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Merial DeNeale, may file her bill in the Spencer Circuit Court, against Lewis H. Bascom, Trustee for said Merial DeNeale, under the will of her mother, and make the children and heirs of said Merial DeNeale and Edward B. Miles, of Nelson county, defendants, and pray in said bill,

May file bill in
chancery, and
for what pur-
pose.

Court may di-
rect applica-
tion of trust
funds to repur-
chase of slaves,
&c.

that three hundred dollars of the money held by said Bascom, in trust for said Merial and her children, be applied to redeeming or repurchasing certain slaves, in which she had a life estate, and which were sold and purchased by said Miles; and upon the service of process, the court may, if it shall appear satisfactorily, upon proof made, that it is to the interest and benefit of the said Merial DeNeale and her children, to repurchase the said slaves, with the assent of said Miles, order and decree an application of three hundred dollars of said trust fund by said Bascom, to that purpose; and said purchase, when made, shall be for the joint use and benefit of said Merial DeNeale and her children, during her life, and at her death to vest in her children; and said slaves shall not be liable to be sold for the debts of said Merial or either of her children, during the life of the said Merial DeNeale, and the court may make all orders and decrees necessary in the cause, to carry out the design of this act.

Approved, March 1, 1844.

CHAPTER 296.

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AN ACT for the benefit of Rebecca Hedges, of Bourbon county.

WHEREAS, it is represented that Edward B. Moran, of Bourbon county, now about seventy years old, is a person of unsound mind, and owns a considerable estate, and is at this time incapable of making a valid disposition of his property by a will, and one of his children, named Rebecca, has married Samuel Hedges, of said county, and Samuel Hedges being insolvent, and upon the death of said Edward B. Moran intestate, her distributive share of his estate would be consumed by the debts and liabilities of her husband, Samuel Hedges—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That should the said Edward B. Moran die without making a valid disposition of his estate, the distributive share or interest of the said Rebecca Hedges in the estate of the said Edward B. Moran, shall descend and vest in the said Rebecca for life, and at her death, shall descend and vest in the heirs of said Rebecca, free from the control of said Samuel Hedges, to the proper use of the said Rebecca and her heirs, and shall not be subject to the debts and liabilities of said Samuel Hedges, nor to his control or disposition in any manner whatever.

Approved, March 1, 1844.

CHAPTER 300.

AN ACT for the benefit of the Trustees of the town of Columbus, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the acts of the Trustees of the town of Columbus, in Hickman county, so far as they may have expended money arising from the rents of the ferry at said town, in paying costs and fees of lawyers in the necessary prosecution and defence of suits brought or defended by them relating to the right of said ferry, be, and the same are hereby legalized, and it shall be lawful for said Trustees to use and appropriate of the rents of said ferry, such sums of money as they may deem necessary in prosecuting any suit about said ferry, or defending any suit brought against them or their lessee or lessees, about said ferry; and said Trustees are hereby authorized and empowered to use and appropriate the rents accruing from said ferry, to such purposes as in their discretion may best contribute to the common interest of the citizens of said town in making any improvement or alterations in the streets and alleys, or in promoting its improvement and prudential condition, and to make all by-laws necessary to the regulation of said town, and to carry out the orders of said Trustees, not contrary to law.

Acts of Trustees of Columbus, in paying costs of suits, &c., legalized.

May appropriate rents of ferry in prosecuting and defending suits concerning the same.

May appropriate rents of ferry to improve streets, &c.

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Trustees of
United Baptist
Church at Rus-
sellville incor-
porated.

Corporate pow-
ers.

Vacancies, how
filled.

SEC. 2. *Be it further enacted,* That Thomas Grubbs, Nimrod Long, George Brown, George W. Norton and Wilson Ryan, Trustees of and for the Russellville United Baptist Church, and their successors as such, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Russellville United Baptist Church, and by that name shall have perpetual succession, and a common seal, or may use their individual seals or scrolls, and may sue or be sued, plead or be impleaded, in any court of law or equity in this Commonwealth; and on the death, resignation, removal from the county, or other disqualification to act, (to be judged of by the church,) of said Trustees or any of them, or of their successors, or any of them, or the removal of any of said Trustees, or their successors from office, which a majority of the white members of the church, who may be present at a regular church meeting, shall have power to do, with or without cause, at their discretion, on notice being given in the public congregation of said church, by the minister or other person, of the time and place of such intended action of the church, at least one month before; and the majority of white members present at any regular church meeting, shall have power to fill such vacancy, upon notice being given in like manner, of such intended election, and upon entering the fact of such vacancy, and name or names of the person or persons chosen to fill the same, on the records of the church, the person or persons so selected shall be, and are hereby invested with all the title to the property, powers and privileges of the Trustees above named.

SEC. 3. That the above named Trustees and their successors be, and they are hereby invested with full power to receive a conveyance for the fractional lot of ground in the town of Russellville, upon which their new church building has been erected, together with its appurtenances purchased from George W. Ewing; also to purchase other ground, not exceeding ten acres, and receive title thereto, with its appurtenances, for a parsonage, burial ground, or other church purposes, to be held by said Trustees, or their successors, for the entire and exclusive use and benefit of the United Baptist Church in the town of Russellville, and such of them, whether a majority or minority, if there ever be a scism, as adhere to the fundamental evangelical doctrines of the United Baptist Churches, or the doctrines of the churches belonging to the General Union of Baptists in Kentucky, forever.

SEC. 4. That the said Trustees, or their successors, shall have, and are hereby vested with power to sell and convey, consistently with the legal interests and joint rights of others holding an interest therein, their individual interest in, and title of said Baptist Church in and to the old Union Meeting House, with its appurtenances, in the town of Russellville, and to hold and apply the proceeds for the exclusive use and ben-

May receive
conveyances
for a lot of
ground to erect
church on, and
burial ground.

May sell and
convey lot on
which old Un-
ion Meeting
House stands.

efit of said Baptist Church, and under their direction and control, as before directed.

Sec. 5. *Be it further enacted,* That the corporation limits of the town of Paintsville be, and the same are hereby extended in manner as follows, to-wit: so as to include the lot of six acres, belonging to B. F. Gardner, which embraces a portion of the public square; also, the orchard, lot and land of John Franklin; thence running up the creek to the upper lot in said town; thence from James Franklin's Mill, including said Mill, to low water mark; thence from the end of Main Cross street, near Jones' Tan-yard, thirty poles north; thence a westwardly direction, so as to include Henry Dickson; thence southwardly to J. H. Huff's.

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Limits of the town of Paintsville extended.

Sec. 6. That Nicholas C. Waldeck, John Hows, Joseph T. Kelly, James Franklin and Winston Mayo, and their successors, be, and are hereby created Trustees of said town, and as such, shall, in addition to the powers heretofore granted in the act incorporating said town, have power, by ordinance, to grade, pave, repair, and improve any street, alley, market space, public landing, or common, upon the petition of not less than the owners of two-thirds of the property of any section, square or part of a square of said town, binding on such street, alley, market space, public landing, or common, so to be graded, paved or repaired, and to levy and collect a special tax, to defray the costs or expenses of the same; and the said Trustees shall have power to provide, by ordinance, for the collection of the special tax herein authorized to be levied, by sale of the property binding on any street, alley, market space, public landing, or common, proposed to be graded, paved or repaired, in such manner as they may deem most expedient, and conducive to the safe, certain and speedy collection thereof; that the special tax levied for the purposes herein prescribed, shall be a lien upon the real estate upon which it may be assessed, from the time of filing such petition, until it shall be paid and satisfied.

Trustees appointed, and powers of, extended.

May direct streets, &c. to be paved, &c.

Special tax may be levied and collected.

Lien given on lots for taxes.

Sec. 7. That all fines and forfeitures, accruing from any violation of the laws and ordinances of said town, shall be, and the same are hereby appropriated to the use and benefit of said town.

Fines for violation of ordinances, appropriated.

Approved, March 1, 1844.

CHAPTER 301.

AN ACT to change the name of Ralph P. Babcock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Ralph P. Babcock, of Harrison county, be, and the same is hereby changed to that of Ralph P. Austin.

Approved, March 1, 1844.

1844

CHAPTER 302.

AN ACT declaring Welch's creek, in the county of Butler, a navigable stream

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Welch's creek, in the county of Butler, be, and the same is hereby declared a navigable stream up to what is called and known as Freeman's-mill.

Approved, March 1, 1844.

CHAPTER 303.

AN ACT to amend the act of 1841 and 1842, establishing the town of Portland.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Portland, and all officers to be appointed by them, shall reside and keep their offices within the limits of said town, during their continuance in office. Three months' absence from said town by the Chairman or either of the Trustees, or any officer in said town, shall vacate the office of such absentee, by a resolution to that effect, passed by the whole number of the remaining Trustees, and another may, in such case, be elected by the said Board of Trustees, in his or their stead, and said Board shall have power to fill all vacancies occurring in their Board, by removal without the limits of said town, resignation, or death, or any vacancy in any of the offices of said town of Portland. The Chairman of the Board of Trustees, when duly qualified, shall have power to administer the oath of office to all officers appointed by said Board; he shall not be entitled to a vote in said Board, except in the appropriation of money, or when there shall be a tie in said Board upon any question he may give the casting vote. He shall call the Board to order, at all meetings thereof, and shall have power to convene the Board whenever he shall think proper. The said Board of Trustees shall, at least ten days before each annual election, appoint three competent persons, who shall not be members of the Board, whose duty it shall be to hold and conduct the election, who shall take an oath to discharge the duties of inspectors of said elections, to the best of their skill and ability; they shall make a fair record of the votes given to each person for Trustee of said town, and certify and return the same under their hands, to the Board of Trustees for the time being, and the Clerk of said Board shall give notice to the seven persons receiving the highest number of votes, that they are duly elected Trustees of the town of Portland, for the ensuing year; the said Board shall have full power to hear and determine the validity of all elections, under such rules and regulations as they may prescribe, and may, in their discretion declare any election void and order a new election, or they may declare the next candidate having the highest

Offices to be
kept in town,
how they may
be vacated.

Vacancies, how
filled.

Chairman may
administer the
oaths to offi-
cers, may vote
in certain mat-
ters.

Elections, how
to be held, and
by whom.

Notice to be
given to those
elected.

How elections
may be deter-
mined valid.

number of votes, duly elected ; and in the event that the persons appointed to hold said elections, or either of them, should fail or refuse to act, the Chairman of said Board, or in his absence, any two members thereof, shall have power to appoint inspectors in their stead. They shall, also, have the right to tax, and the exclusive right to licence all stores, taverns, groceries, retailers, confectioners, victualers, and houses of public resort within said town, (except gambling houses or houses of evil fame,) at such rates as they may, from time to time, ordain and establish, but tavern keepers shall also be liable to pay the revenue tax of ten dollars. They shall, also, have the right to tax all exchange or brokers offices within the limits of said town, in any sum not exceeding forty dollars, and all lottery offices, in any sum not exceeding five hundred dollars ; and the exclusive right to levy and collect a poll tax within said town: *Provided*, Said tax shall not exceed one dollar and fifty cents for each free male white citizen over twenty one years of age ; but it shall not be lawful to grant any licence to retail spirituous or malt liquors, in a less quantity than one quart, (to be drank in the house,) for a shorter period than one year, nor for a less sum than fifty dollars. The said Board of Trustees shall, also, have the power to pass all ordinances, with adequate penalties, to enforce the powers vested by this section, not inconsistent with the constitution and laws of the United States or State of Kentucky ; they shall, also, have the right to licence and tax, and regulate all carts, wagons, drays, hacks, and porters, which may be plying in said town for hire, and who reside within the limits of said town, not exceeding two dollars per annum on any cart, wagon, dray, hack, or porter ; they shall, also, have the right to tax and licence all shows, exhibitions, performances, given, made, or exhibited for money or property, within said town, but public lectures for scientific, religious, or charitable purposes, shall not be subject to taxation, nor shall it be lawful for said Trustees to licence any gaming house, rowley boley, or ten pin alley, or any other right or privilege interdicted by the laws of this Commonwealth.

SEC. 2. The said Board of Trustees, for purposes of Internal Improvement only, to be made within the limits of said town, shall have power to borrow money on the credit of said town, and pledge any of the town property for the redemption of the same, or to pledge any future taxes and revenues of said town for the payment of the principal and interest on any loan made to said town: *Provided*, That the rate of interest shall, in no case, exceed six per centum per annum, and that the amount borrowed at any one time by said Trustees, shall not exceed five thousand dollars: *And provided, also,* That no loan shall be taken by said town, or the authorities thereof, unless the same be concurred in by a majority of the citizens thereof, convened in town meeting for that purpose.

May tax stores
taverns, &c.

May levy and
collect poll tax.

May license
taverns, &c.

May pass by-
laws.

May license
wagons, carts,
&c.

May tax and
license shows,
&c.

May borrow
money for use
of town and
pledge proper-
ty, &c.

Majority of the
Trustees to
concur in loan.

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*Fines, &c. ap-
propriated to
town.*

SEC. 3. All fines and penalties inflicted before the Jefferson Circuit Court, Jefferson County Court, or any Justice of the Peace for Jefferson county, arising within the town of Portland, after deducting the expenses of each prosecution respectively, (which expenses shall be paid into the public Treasury,) the residue shall be, and the same are hereby vested in the Board of Trustees of the town of Portland, for the use and benefit of the public schools thereof; and the Board of Trustees of said town shall have the right to use the name of the Commonwealth of Kentucky for the collection of the same: *Provided*, That nothing in this section shall be so construed as to deprive the Attorney for the Commonwealth, or any informer, of any part of such fines and penalties as they are now entitled to by law.

*All offenses
against ordi-
nance, to be
tried before a
Justice of the
Peace. Appeal
allowed.**Part of act of
1842, repealed.*

SEC. 4. That all offenses arising under the ordinances of the town of Portland, shall be tried before a Justice of the Peace of Jefferson county, subject to an appeal at any time, within ten days after the rendition of the judgment of said Justice, by either party, to the Jefferson Circuit or County Court, according to law. And so much of the second section of the act to re-establish the town of Portland, approved, March 3, 1842, as continues the jurisdiction of the City Court of Louisville over the town of Portland, and gives to the Marshal and his deputies and the police officers and watchmen of said City, the same power and authority that they have, or shall have in Louisville, be, and the same is hereby repealed.

*Nuisances may
be abated and
removed.**May suppress
tippling houses
&c.*

SEC. 5. The said Trustees shall have power to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as they shall prescribe by ordinance: they shall, also, have power to suppress, by ordinances, with suitable penalties, all tippling houses, bawdy houses, and houses of evil fame, all riots, disorderly conduct, breaches of the peace, disturbances of religious worship, and disturbers of the peace and tranquility of said town.

*Right to repeal
reserved.**May receive
\$200 of tax on
Dry Dock and
Insurance Co.*

SEC. 6. The General Assembly reserves the right to alter, amend, or repeal the whole or any part of this act.

SEC. 7. *Be it further enacted*, That the Board of Trustees of the town of Portland shall be, and they are hereby vested with full power to collect and receive, for each year hereafter, two hundred dollars of the annual tax laid on the Portland Dry Dock and Insurance Company; and so much of the act incorporating said Portland Dry Dock and Insurance Company, approved, February 29, 1836, as directs that a tax of fifty cents on each hundred dollars of said company's capital stock, shall be paid to the City of Louisville, is hereby so amended, that in future, said Portland Dry Dock and Insurance Company shall annually pay two hundred dollars of said annual tax to the Trustees of the town of Portland, and the residue thereof to the City of Louisville; which said two hundred dollars, when so paid, shall be annually appropriated by the said Trustees,

exclusively for the benefit and support of public schools in said town of Portland.

SEC. 8. All acts or parts of acts heretofore passed, which conflict with this act, are hereby repealed.

SEC. 9. This act shall be in force from its passage.

Approved, March 1, 1844.

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Repealing clause.

CHAPTER 304.

AN ACT to divorce Catharine Withers.

WHEREAS, for causes not now believed to be provided for by law,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Catharine Withers, of Anderson county, and her husband, William M. Withers, be, and the same is hereby dissolved, so far as it relates to the said Catharine, and that she be restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1844.

CHAPTER 307.

AN ACT giving the Sheriffs of Bourbon, Anderson, Grant, Harrison, and Trimble counties further time to return their delinquent lists.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elias Darnall, late Sheriff of Bourbon county, shall have until the first day of June next to return his delinquent list for the year 1842, upon the Clerk's list of additional revenue, put into his hands after the regular time of returning delinquents.*

SEC. 2. *Be it further enacted, That the Sheriff of Anderson county have until the first day of June next to return his delinquent list.*

SEC. 3. *Be it further enacted, That the Sheriffs of Grant, Harrison, and Trimble counties, have until the first day of July next to return their delinquent lists for the year 1843.*

Approved, March 2, 1844.

CHAPTER 311.

AN ACT for the benefit of Frederick Junod.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall be lawful for Frederick Junod, of Woodford county, to peddle dry goods free of tax, in Woodford and Jessamine counties.

Approved, March 2, 1844.

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CHAPTER 314.

AN ACT to authorize the Trustees of the town of Bowlinggreen to change the width of streets and alleys in said town, and for other purposes.

Trustees of
Bowlinggreen
may abolish alleys
and diminish width
of streets.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Bowlinggreen may, and they are hereby authorized to diminish the width of the streets and to abolish the alleys or such of them as they deem expedient to diminish and abolish, which pass through the fifty acres laid off as an addition to said town, upon the bank or bluff of Big Barren river, under an order of the Warren County Court, made at the November term, 1805, so that hereafter, the several streets extending from the old parts of the town through said fifty acre addition, shall be straight and of the same width in all their parts.

May change
location of lots
with the assent
of owners, or
may sell
ground, &c.

SEC. 2. *Be it further enacted,* That the said Trustees, with the assent of the proprietors of the lots in the said fifty acre addition, may change and fix the location of the lots so as to bind upon the streets, when diminished in width, according to the first section of this act; and if any such proprietor should object to the change of the position of his lot, so as to bind upon the street, then the said Trustees may, in their discretion, sell the ground lying between the lot of such proprietor and the street, as diminished in width.

Ground may
be condemned
for streets, &c.
and how.

SEC. 3. *Be it further enacted,* That if, in extending the streets or any of them, from the old part of the town through said fifty acre addition, it becomes necessary to take private property for the use of the street, and the proprietor of such property will not consent to the extension of the street over his ground, without compensation therefor, it shall be lawful for the Trustees of said town to apply, by petition, to the Circuit Court of Warren county, to condemn and set apart, for the use of the street, so much private property as may be necessary, and such court shall take all necessary and proper steps, by writ of *ad quod damnum*, or otherwise, to ascertain the value of the property so to be taken, and to cause the same to be paid to the proprietors thereof, before condemning and setting apart the ground for the street.

May sell
ground not in-
cluded in
streets after
they are laid
off.

SEC. 4. *Be it further enacted,* That the Trustees of said town may sell and convey any ground included by the boundaries of the town, and which, by re-modeling the streets, alleys, and positions of the lots according to this act, is not included in any street or lot owned by any person or persons, and the money arising from such sale, shall be for the use of the town, and may be extended as the other revenues of the town: *Provided*, That nothing herein contained shall be so construed as to authorize the said Trustees to make sale of any part of the ground heretofore reserved for a public square in said fifty acre addition.

Corners to be
set up as gov-
erning points.

SEC. 5. *Be it further enacted,* That the Trustees of said town shall determine the direction of Main South and Main North streets, in running from the public square toward the

river, and they shall set up two stones at the intersection of said streets with the line of the town next to the river, as governing points in ascertaining the position of the lots in the said fifty acres addition: *Provided*, That the powers herein conferred upon said Trustees, shall not be so construed as to authorize any change or alteration in the Turnpike road, but that the same shall be and remain as now established.

SEC. 6. *Be it further enacted*, That the act to incorporate the town of Wyoming, in Bath county, approved, 20th February, 1839, be so amended as to authorize and empower the Trustees of said town to levy a poll tax not to exceed one dollar per head upon all male persons residing in said town at the time of such levy, in addition to the *ad valorem* tax, which they are now authorized to levy, and to collect the same in the manner provided in said act for the collection of town tax.

Town of Wyoming, Trustees authorized to assess tax on inhabitants.

SEC. 7. That, hereafter, the elections for Trustees in said town may be held before and by one Justice of the Peace, who shall be governed, in holding such elections, by the said act of incorporation; and until an election shall be held, the Trustees now in office, shall continue, and shall be, and they are hereby invested with all the powers conferred upon said Trustees by said act; and the acts and doings of said Trustees heretofore done and performed, so far as consistent with said act of incorporation, are hereby declared to be as valid as though said Trustees had been elected according to the provisions of said act.

Election of Trustees.

Whereas, a survey was made by the Surveyor of Wayne county, for fifty acres of land in the name of William Rice, on the 13th day of May, 1840, and was returned to the land office, and a patent was issued on the same, but owing to a mistake made by the Surveyor, the calls in the survey did not embrace the land intended to be taken up—therefore,

Acts of present Trustees legalized.

SEC. 8. *Be it further enacted*, That the Register of the Land Office be required and directed to receive and register a re-survey upon its being produced to the Register's office, and to issue a patent thereon as in other cases: *Provided*, That the re-survey does not interfere or conflict with the claim or claims of any other persons.

Wm. Rice, Survey in his name may be re-surveyed & patent issue, &c.

Approved, March 2, 1844.

CHAPTER 315.

AN ACT to incorporate the Christian Church at Midway, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Goodloe Carter, Isaac Williams, James Ware Parish, Lewis T. Payne, William R. Chew and George L. Nuckolls, now Trustees, and their successors, be, and they are hereby constituted a body corporate and politic, to be known by the name and style of the Trustees of the

Corporators names, their powers.

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Church of Christ, at Midway, and by that name shall have perpetual succession, and a common seal, with all the powers incident to similar corporations, for the purpose of protecting the rights, titles, property, possessions and immunities of said church, which now does, or may hereafter, belong to the same; and may sue and be sued, plead and be impleaded, in any courts of law or equity in this Commonwealth.

**May purchase
and hold lands,
&c.**

Sec. 2. That the said Trustees, and their successors, shall have power to purchase and hold, by deeds of conveyance, suitable lots or parcels of ground, on which to erect a suitable house for public worship, and burial ground: and to sell, exchange, and convey the same hereafter, at their discretion, which said purchases, conveyances, &c., shall be subject to the same regulations and provisions as deeds of conveyances are now subject by the laws of this Commonwealth.

**Vacancies how
filled.**

Sec. 3. That all vacancies which may occur, by death or otherwise, in said Board of Trustees, shall be filled by appointment or election, in such manner as the members in full communion in said Christian Church may direct.

**May raise mo-
ney by sub-
scription and
donation.**

Sec. 4. Said corporation shall have power to raise money by subscription, donation, or otherwise, to any amount, and to lay out the same in the purchase of any ground, or the erection, improving, or repairing of any house of worship or school, for the use and benefit of said church.

**Board Int. Im.
to convey lot
in Midway.**

Sec. 5. That the Board of Internal Improvement shall have power, and they are hereby directed to convey, as a donation to said Trustees, for the use and benefit of said Christian Church, one half of the lot designated in the plat of Midway as the public square, which now belongs to the State, lying in the angle formed by Winter and Gratz streets, viz: one hundred and ten feet front on Winter street, and running back two hundred feet, the length of the lot: *Provided*, That the said Trustees shall pay into the Treasury the sum of twenty dollars for said lot: *Provided further*, That this act shall not interfere with the contract now existing between the State and the lessees of the Railroad.

**Price to be
paid for lot.**

Sec. 6. The General Assembly reserve the right to amend or repeal this act at pleasure.

**Baptist Church
at Simpson-
ville incorpo-
rated.**

Sec. 7. *Be it further enacted*, Rochester Atkinson, Toliver Shanks and Secretary Ball, and their successors, shall be, and they are hereby incorporated a body politic and corporate, by the name and style of the Trustees of the Baptist Church of Simpsonville, in Shelby county and by such name and style; may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth; and shall be capable to take and hold, by purchase, gift, or otherwise, any real and personal estate, not exceeding in amount fifty thousand dollars, or in quantity, more than one hundred acres of land.

**Corporate pow-
ers.**

Sec. 8. That in case of the death, removal, resignation or withdrawal, or exclusion from said church, of any of said

**Vacancies how
filled.**

Trustees, it shall be lawful for the members of said church to elect others in their place.

SEC. 9. That the house and lot, situated in Simpsonville, conveyed by Tramel Conn to Philip Johnson, and others, as Trustees of said church, shall be vested in the above named R. Atkinson, Toliver Shanks and Secretary Ball, as Trustees of the Baptist Church of Simpsonville, and their successors, appointed as above, as fully and completely as if said conveyance had been made directly to them.

SEC. 10. *Be it further enacted*, That James Shannon be, and he is hereby appointed a Trustee of the Pleasant Grove Old Side Presbyterian Church, in Simpson county, in the room of William Andrews.

WHEREAS, the Right Reverend Benedict Joseph Flaget, Roman Catholic Bishop of Louisville, holds estate, which has been given and conveyed to him for the support of himself and his lawful successors in office; and also holds estate, which has been purchased with moneys given for the purpose of procuring property that would yield a revenue for the support of himself and his lawful successors in office, and may hereafter acquire other estate for the same purpose: and whereas, he is desirous that the estate which he now holds, and that which he may hereafter acquire, shall pass and descend to the Roman Catholic Bishops of Louisville, in the order of their succession, and not to his heirs or the heirs of any one of them—therefore, upon the application of the said Benedict Joseph Flaget, and for the purpose of carrying into effect his intentions and desires upon the subject,

SEC. 11. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the estate, real, personal and mixed, which the said Benedict Joseph Flaget, Roman Catholic Bishop of Louisville, now holds, and that which he may hereafter acquire, shall pass and descend to the Roman Catholic Bishops of Louisville, in the order of their succession, and that each of them may take, acquire and hold estate by succession, gift, grant, devise, or otherwise, which shall pass and descend in like manner: *Provided*, however, That the revenue arising from the same, shall not exceed the sum of ten thousand dollars: *And, provided further*, That the estate that each shall possess, at his death, other than that which he shall have acquired by succession as aforesaid, shall be subject to the payment of his debts, in the hands of his successor: *And be it further provided*, That nothing in this act contained, shall be construed to prevent the present Roman Catholic Bishop of Louisville from selling any part of the estate which he now holds, or may hereafter acquire, and investing the proceeds of sale in other estate, to be held for the same purpose, or to prevent any one of his lawful successors in office from selling any part of the estate which may have come to him by succession, or which he may have acquired in any other manner, and investing the proceeds of sale in other estate, to be held for the

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Church and lot
vested in Trustees.Shannon ap-
pointed Trust-
tee Pleasant
Grove church
in Simpson.

Preamble.

Estate, real
and personal,
held by Flaget,
Roman Catho-
lic Bishop, to
pass and des-
cend to Bishops
by succession.To be subject
to debts.Not to prevent
sale and vesti-
ture of pro-
ceeds in other
property.

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same purpose, or from exchanging any part of said estate; and the estate so acquired by purchase or exchange, shall pass from one Bishop to the other, in the order of their succession, as herein before provided.

Property conveyed to Flaget in trust, to pass to Roman Catholic Bishops. Sec. 12. *Be it further enacted,* That the several parcels of land which have been conveyed to the said Benedict Joseph Flaget, in trust for the several Roman Catholic congregations in this Commonwealth, shall also pass to the Roman Catholic Bishops of Louisville, in the order of their succession, in like trust: *Provided, however,* That the present, or any future Roman Catholic Bishop of Louisville, shall have power, and lawful authority, to sell and convey any one of said parcels of land, or any part of any one of said parcels so held in trust by him, if a majority of the Trustees of the church of the congregation for which said land is so held in trust, shall approve of the sale of said land, and unite in the conveyance thereof, merely for the purpose of expressing their approval, and the proceeds of sale shall be disposed of in such manner as the majority of said Trustees and the Bishop shall think most advisable.

This act may
be amended
or repealed.
Property sub-
ject to taxa-
tion.

Sec. 13. This act may be amended or repealed, at the pleasure of the General Assembly, and the property herein mentioned shall be subject to taxation as other property.

Approved, March 2, 1844.

CHAPTER 316.

AN ACT to establish a Tobacco Inspection in Owenboro', in Daviess county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Courts of Daviess and Henderson counties be, and they are hereby authorized to establish one or more Tobacco Inspections in the towns of Owenboro' and Henderson, whose duty it shall be to inspect and class all tobacco offered to be inspected, whether loose or prized.

Sec. 2. *Be it further enacted,* That the said County Courts be authorized to regulate the fees for inspecting either loose or prized tobacco, a majority of all the Justices being present and concurring therein.

Sec. 3. *Be it further enacted,* That there is hereby established a Tobacco Inspection at Mills' Point, in Hickman county, which shall be regulated and governed by the laws now in force concerning the inspection of tobacco.

Approved, March 2, 1844.

CHAPTER 318.

AN ACT for the benefit of Jane Coffey, of Christian county.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jane Coffey, widow of Joseph Coffey, deceased, may file her bill in chancery in the Christian Circuit Court, against the devisees and heirs of said Joseph Coffey, deceased, setting out the reasons why it is necessary to sell the tract of land devised to her during her life or widowhood, and also, set forth the amount of debts due by her, and to whom, and for what purpose contracted, and file an official copy of the will of said Joseph Coffey, deceased, therewith; and the said devisees and heirs shall be legally and properly brought before the Court; and if satisfactory proof shall be made to said Court, that the debts incurred and now due by said Jane Coffey, were made and contracted for the support and education of said devisees and heirs of said Joseph Coffey, deceased, and that it is necessary and proper, for the benefit and advantage of said devisees and heirs, to sell said tract of land, said Court may make a decree authorizing said Jane Coffey, or some other discreet person, to sell and convey said tract of land, upon such credit and terms as he may deem right, and apply as much of the money arising from said sale as will be sufficient to pay off said debts, contracted for the purposes aforesaid, and to direct the residue of said money arising from said sale to be applied to the purchase of a tract of land, directing the title to the tract of land thus purchased, to be made to the heirs of said Joseph Coffey, deceased, with clause of general warranty, but with the reservation that said Jane Coffey is to have and enjoy a life estate in said tract of land.

May file bill in
chancery, and
for what pur-
pose.

Court may de-
cree sale and
conveyance of
land, and how
proceeds may
be applied.

Approved, March 2, 1844.

CHAPTER 319.

AN ACT for the benefit of the estate of Thomas Terrill, late of Ballard county, and for other purposes.

WHEREAS, it is represented that Thomas Terrill, late of Ballard county, died intestate, leaving a helpless family, and that he owned, at his death, several tracts of land in said county, and also, slaves, and that his estate is in debt beyond the value of his personal property, and that by keeping the slaves his family will be enabled to carry on their farm and earn a support—for remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas H. Terrill, the administrator of the estate of Thomas Terrill, or his widow, may file their petition or bill in chancery in the Ballard Circuit Court, making the children and heirs of said Thomas Terrill defendants thereto, and after due service of the process, and the appointment of guardians *ad litem*, for the infants, the

Thos. Terrill's
adm'r. or wid-
ow may file bill
in chancery, &
for what pur-
pose.

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Court may decree sale of lands and reserve slaves.

Conveyance to be made, &c.

Decree may be made at first term.

Wm. H. Phillips' ex'r. may file bill in chancery, and for what purpose.

Lands may be sold instead of slaves.

court may, upon being fully satisfied that the personal estate is insufficient to pay the debts, and that it will be to the advantage of the estate and of the infants and children of said Terrill, to save the slaves and sell a portion of the land for the payment of the debts of said Thomas Terrill, it shall be lawful for said court to decree a sale of so much of the real estate of said Thomas Terrill as may be necessary to pay his debts, and for that purpose may appoint a Commissioner to make the deed or deeds to the purchaser or purchasers, and to make all other orders and decrees necessary to carry out the intention of this act, and for the security of the interest of said children and heirs.

Sec. 2. That the court may, if the case is ready for hearing, render a decree at the first term after the filing of the bill or petition.

Sec. 3. *Be it further enacted,* That Thomas J. Phillips, executor of William H. Phillips, may file his bill in the Livingston Circuit Court, and make the heirs of William H. Phillips parties, and set out the amount of debts due by the estate, the number, age, and value of the slaves, and also, the real estate of said Wm. H. Phillips, and pray the court to cause the land, or so much as may be necessary, to be sold, as will pay the debts and retain the slaves; and upon said case being fully prepared for hearing, and the court fully satisfied that it is right and proper, and to the advantage of the estate and the benefit of the heirs, the court may decree a sale of the real estate for the payment of the debts, in the same way and under the same provisions as herein provided in the case of the estate of Thomas Terrill.

Approved, March 2, 1844.

CHAPTER 321.

AN ACT to regulate the duties and fees of the Sealer of weights and measures in the county of Jefferson, and for other purposes.

County Court to regulate the fees, duty, &c.

Sealer's fees.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Jefferson county shall have power to regulate the duty and fees of the Sealer of weights and measures: *Provided*, They shall not allow any higher fees than as follows, to-wit: for adjusting large dormant platform scales, three dollars; large portable platform scales, one dollar and fifty cents; small counter platform scales, seventy five cents; counter graded scales, twenty five cents; dormant equal beams, fifty cents; equal beams, twenty five cents; steelyards, twenty five cents; small patent balances, twenty five cents; small patent balances, two peas, fifty cents; patent balances over three hundred pounds and under five hundred pounds, seventy five cents; patent balances over five hundred pounds and under one thousand pounds, one dollar; patent balances over one thousand pounds and under two thousand

pounds, one dollar twenty five cents; patent balances over two thousand pounds and under three thousand pounds, one dollar and fifty cents; patent balances over three thousand pounds, two dollars; small spring drafts, twenty five cents; weights one hundred pounds and under, twelve and a half cents; sealing or testing half bushel, twenty five cents; all dry measures less than half bushel, twelve and a half cents; measures of five gallons and under, twelve and a half cents; measures of three feet and under, twenty five cents; Surveyors chains, one dollar; measuring lines, one dollar.

1844

SEC. 2. That it shall be the duty of all persons residing in the City of Louisville and county of Jefferson, using the weights and measures mentioned in the first section of this act, or any thing else that may be used to ascertain weight and measure with, to have the same tested and compared with the weights and measures for the county of Jefferson, before using the same, and once every year thereafter, and between the first day of May and September of each year, except farmers and all other persons not buying and selling, who shall have their weights and measures compared once every five years; and it shall be the duty of the Sealer of weights and measures, when notified in writing that any of the articles mentioned in the first section of this act are immovable, he shall remove so much of the standard as may be necessary to test and compare the same, the applicant or applicants paying all expenses attending the removal of said standard.

Duty of the
citizens Jef-
ferson county.

SEC. 3. If any person shall fail or refuse to have weights or measures, used by him, her, or them, as aforesaid, compared with the standard provided by the County Court, and as directed by the second section of this act, he, she, or they so offending, shall be subject to fine of ten dollars, recoverable before any Justice of the Peace, in the name of the Commonwealth, one half to the informer and the other half shall be paid to the County Court of said county, and be applied to the purchase of standard weights and measures, and fixtures and necessary repair of the same, as may be directed by the court for the said county; and it shall be the duty of the Sealer of weights and measures to prosecute all offenders under the provisions of this act, and report and pay over the moiety of said fines to said court annually.

Penalty for
failing.

SEC. 4. That it shall be the duty of the Sealer of weights and measures, after the first day of September of each and every year, to inspect at the stores and other places where such articles as are set forth in the first section of this act may be used, and if any person or persons shall prevent, hinder, or delay said Sealer in the discharge of his duty, or be found violating the second section of this act, he, she, or they so offending, shall be fined as provided for in the third section of this act.

Sealer's duty.

SEC. 5. *Be it further enacted,* That if any person or persons, corporations or co-partners, after having their weights

Penalty for
altering.

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and measures tested and sealed by the Sealer of weights and measures for the several counties within this Commonwealth, shall alter and change the same, or shall use them falsely, or by any indirection whatever, the person or persons, corporations or co-partners, so altering and changing the same, shall be liable to a fine of not less than fifty nor more than one hundred dollars, to be recovered by indictment, in the name of the Commonwealth, in the Circuit Courts of the county in which the offence may be committed; the fines whereof shall be paid into the State Treasury as other fines are; and it shall be the duty of the several Circuit Courts in this Commonwealth to give this act in charge to the grand juries of their courts.

Act only to apply to Jeffersonson.

SEC. 6. This act, except the fifth section thereof, shall only apply to persons residing within the county of Jefferson and City of Louisville, and shall not apply to persons who may visit said City or county, for the purpose of making sale of any produce.

Salt exempt from inspection.
Proviso.

SEC. 7. *Be it further enacted,* That, hereafter, salt imported into this State, and landed at any place where an inspection is established, shall not be subject to inspection, provided the same be intended to be re-shipped for any other place or sold for exportation to any other market. The declaration, on oath, of the owner or agent of said salt, shall be evidence of his intention.

Inspector's fees.

SEC. 8. That Inspectors shall receive from the person who shall be the owner of the salt at the time of inspection, three cents for each barrel by him inspected.

Penalties, how disposed of.

SEC. 9. That all penalties hereafter recovered for a violation of the laws now in force regulating inspections of salt in this Commonwealth, shall be disposed of in the following manner, to-wit: one half to the person suing for the same, and the other half to the Commonwealth; and all laws or parts of laws repugnant to the provisions of this act, are hereby repealed: *Provided, however,* That when any salt shall be stored in any of the warehouses of the City of Louisville, it shall be subject to inspection.

Jefferson county precinct changed.

SEC. 10. *Be it further enacted,* That the voters in the precinct established in Jefferson county, by an act approved January 14th, 1841, instead of meeting at the house of Michael P. Howes, as directed by said act, shall hereafter meet and give their votes at the house of Samuel Albert, in said county.

Additional Justice to Marshall county.

SEC. 11. That the county of Marshall be, and is hereby allowed an additional Justice of the Peace, and the County Court, in the selection and recommendation of said Justice, shall duly consider and regard the claims of the town of Benton.

Constable to Mercer.

SEC. 12. That the county of Mercer be, and is hereby allowed one additional Constable, who shall reside in that part of

said county, below Shakertown, in what is called the Bend of the Kentucky river.

SEC. 13. That one additional Constable be allowed to the county of Hickman, who shall reside within the limits of the town of Hickman, in said county.

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Constable to
Hickman.

Approved, March 2, 1844.

CHAPTER 324.

AN ACT for the benefit of the widow and heirs of Joseph Leibfried, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Joseph Leibfried, a German, late of the City of Covington, died seized and possessed of personal property, and cash notes, valued at seven hundred and eight dollars 59 cents, leaving also a widow and four small children; that Philip S. Bush, qualified as administrator of said decedent, and has collected about seven hundred and fifty dollars, which he holds as assets in his hands: and whereas, the widow, Sophia Leibfried, also a German, purchased a lot of land in the City of Covington, on which she has erected a neat and durable brick building, which cost, in all, about five hundred dollars, which house is calculated to make a comfortable dwelling, and home for the family, in doing which, she incurred debts greater than her dower interest in the estate of her deceased husband, and was in danger of losing the entire house and lot, which induced the said administrator to purchase said house and lot, to save it from sacrifice: and whereas, said administrator has petitioned the General Assembly of Kentucky to authorize him, by special act, to convey, by deed, in fee simple, the said house and lot, to the children of the said decedent, and to pay over to the said widow her dower in money, so as to enable her to support her children—therefore,

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Kenton county, be, and they are hereby authorized to receive a deed in fee simple, with clause of general warranty, from P. S. Bush, for said brick house and lot, in the City of Covington, for George, Mary and Joseph Leibfried, and the youngest child, not yet named, being the heirs at law of the said Joseph Leibfried, deceased; and that they shall order and direct said deed to be recorded in the Clerk's Office of said court.

County Court
may receive
deed, &c.

SEC. 2. That the County Court of Kenton county, shall, upon a settlement of the accounts of said administrator, allow him a credit for the sum of five hundred dollars, so soon as his deed for said house and lot shall be presented by him, duly executed and acknowledged in said court.

Allow adm'r.
a credit.

SEC. 3. That said administrator shall be, and he is hereby authorized to settle with, and pay off the dower right of the said widow, out of whatever funds may remain in his hands,

Adm. may pay
off dower right

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belonging to said estate, after deducting the aforesaid price of the said house and lot, and should any balance of assets remain in his hands, he shall hold the same and make distribution according to law.

Members exempt from militia duty.

Proviso.

SEC. 4. Be it further enacted, That the members of the Lyon Fire Company, in the City of Lexington, shall be, and are hereby exempted from the performance of militia duty, and the payment of muster fines, in time of peace: *Provided*, They shall respectively perform their duty as firemen, in conformity with the constitution and by-laws of said company: *And provided further*, That the names of the members of said company, be annually reported to the Captains of the respective militia companies of the 42d Regiment, on or before the first day of March, in each year.

Power to collect fines.

Board of Assessment appointed.

SEC. 5. Be it further enacted, That said Fire Company shall have the power to collect fines and forfeitures due under their constitution and by-laws, as is given by law for the collection of militia fines.

SEC. 6. Be it further enacted, That a Board of Assessment be appointed by said company, to assess fines against its members, before they are listed for collection.

SEC. 7. Be it further enacted, That all acts or parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

Approved, March 2, 1844.

CHAPTER 329.

AN ACT to establish an election precinct at the house of Martin London, in Butler county, and for other purposes.

Election precinct.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be, and the same is hereby established at the house of Martin London, in the south western part of Butler county, and that the laws of this Commonwealth regulating elections, be observed in conducting the elections at said precinct.

Duty of Owen County Court.

SEC. 2. Be it further enacted, That it shall be the duty of the County Court of Owen, to make provision for the support of Joseph Pierce, a pauper of said county, without requiring him to be taken to the poor house of said county, and such provision shall be made to commence from and after the first day of January, 1843.

Precinct in Ballard county changed.

SEC. 3. Be it further enacted, That the election precinct now held at the house of C. B. Young, in Ballard county, be, and is hereby changed to the house of William Pickett, in said county.

Approved, March 2, 1844.

CHAPTER 330.

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AN ACT providing for a change of venue in the prosecution against Henry Green.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a change of venue is granted Henry Green, for the trial of an indictment for having counterfeit money in his possession, with intent to pass the same, now pending against him, the said Henry Green, in the Jefferson Circuit Court, upon the election and consent of said Henry Green, on the calling of said indictment at the March term of the Jefferson Circuit Court for the year 1844, being entered on the records of the Jefferson Circuit Court, that he prefers to be tried on said indictment in the Circuit Court of Spencer county.

Venue changed to Spencer.

Sec. 2. When the said Henry Green shall have made his election to be tried in the Spencer Circuit Court, then, and in that event, it shall be the duty of the Judge of the Jefferson Circuit Court, to make all the necessary orders, and do all things necessary to secure the appearance and trial of the said Henry Green, on said indictment, in the Spencer Circuit Court.

Duty Circuit Judge.

Sec. 3. That when the indictment in this case shall have been removed from the Jefferson to the Spencer Circuit Court, and the prisoner committed to the Jail of Spencer county, or recognized to appear at the Spencer Circuit Court, (should he be admitted to bail,) then the Spencer Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment, as though the same had been found originally in said court, and the offence charged had been there committed; as also, to require the attendance of witnesses, and to renew their recognizances, and to do any and all other things requisite to insure a fair, impartial, and speedy trial on said indictment of the said Henry Green.

Duty Spencer Circuit Court.

Sec. 4. It shall be the duty of the Judge of the Jefferson Circuit Court, to recognize all the witnesses of the Commonwealth, to appear at the same time in the Spencer Circuit Court, to testify against said Henry Green, and for that purpose, to cause all such witnesses to be brought into the Jefferson Circuit Court and recognized to appear and testify in the Spencer Circuit Court, on said indictment, and said Court shall, also, have the power and jurisdiction to recognize all witnesses of the said Henry Green, to appear at the same time in the Spencer Circuit Court, to testify in behalf of said Green, and cause his witnesses to be brought into court and recognized as aforesaid.

Duty Judge Jefferson.

Sec. 5. It shall be the duty of the Clerk of the Jefferson Circuit Court, so soon as the election of said Green is entered of record, to transmit to the Clerk of the Spencer Circuit Court, the indictment and recognizances, and a copy of all orders and entries which shall have been made in the cause. The recognizances of witnesses shall be to the first day of the Spencer Circuit Court, to be held after such election shall

Duty Clerk Jefferson.

1844

have been made, at which time, it shall be the duty of the witnesses to attend, and not to depart without leave of said Spencer Circuit Court.

Approved, March 2, 1844.

CHAPTER 331.

AN ACT concerning Bardstown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act incorporating the town of Bardstown, and amendments thereto, be so amended as to allow no citizen to vote for the officers of said town, who does not reside within the limits of said town.

Approved, March 2, 1844.

CHAPTER 333.

AN ACT for the benefit of A. Harvey and J. B. Thomas, of Allen county, and John H. Kerr, of Louisville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor be, and he is hereby authorized to draw his requisition upon the Treasury, in favor of A. Harvey, and J. B. Thomas, of Allen county, for the sum of two hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated, in full compensation for their services and expenses, in travelling to, and apprehending in the State of Illinois, and delivering to the Jailer of Allen county, under a requisition from the Governor of this Commonwealth, Henry D. Snow, a refugee from justice.

Sec. 2. *Be it further enacted,* That the sum of eighteen dollars, be, and is hereby appropriated to John H. Kerr, of Louisville, for his expenses in arresting William Keho, charged with passing counterfeit money in the City of Louisville.

Approved, March 2, 1844.

CHAPTER 334.

AN ACT for the benefit of Hiram S. Booten.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months, from and after the passage of this act, be allowed to Hiram S. Booten, late Clerk of the Carter Circuit Court, to issue fee bills, for all services done by him while Clerk of the Circuit Court aforesaid, for which he has not issued fee bills, nor collected the fees, and the fee bills so issued, shall be collected by law; but this act shall not authorize said Booten to issue fee bills for

of
of
services done more than two years before he went out of office.

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Approved, March 2, 1844.

CHAPTER 335.

AN ACT to incorporate the American Indian Mission Association.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William C. Buck, L. W. Lynd, Thomas Stocks, Spencer H. Cone, Howard Malcom, Isaac McCoy, Thomas S. Malcom, Cornelius Van Buskirk, A. D. Sears, F. A. Willard, C. C. P. Crosby, Guerdon Gates, Wm. Colgan, Jeremiah Bush, Isaac N. Halbert, James H. Bagby, James Wilson, J. D. Black, Ryland T. Dillard, Wm. Vaughn, George Cole, John Stephens, J. T. Robert, B. C. Morse, John McCoy, Adiel Sherwood, J. D. Crabs, P. S. Gale, J. L. Dagg, Thomas J. Blewett, Humphrey Posey, A. W. Poole, B. M. Saunders, William B. Johnson, O. C. Comstock and Basil Manly, and all other persons who are now, or who may hereafter become members of the said association, according to its constitution and rules, be, and they are hereby incorporated and made a body politic, by the name of the American Indian Mission Association, for the purpose of promoting the civilization and the Christianization of the aboriginal tribes of America; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or other place whatever; may have and use a common seal; may receive donations and legacies, purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure: *Provided*, The said corporation is not to hold or possess property at any time, the profits of which shall exceed the sum of twenty five thousand dollars per year; and the said corporation may make, establish, and put in execution, such by-laws, ordinances and resolutions, not being contrary to the laws of this State, or of the United States, as may seem necessary or convenient for their government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes of this charter, and the constitution and rules of said association, are hereby declared to be the by-laws of this corporation, so far as they are adopted by this act.

SEC. 2. *Be it further enacted*, That all and every person or persons, who are now, or shall become members of said association, shall be deemed and taken to be members thereof, for and during the time allowed by the constitution and rules of the said association, and no longer, and each and every person appointed by the said corporation, an officer or manager, shall continue in office until removed, or another is duly appointed in his stead.

Incorporators.

Style.

Powers, &c.

Who are members.

Continuance in office.

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Powers of the corporation.

SEC. 3. Be it further enacted, That the corporation shall have power to appoint a Board of Officers and Managers, from time to time, according to its by-laws, to whom it may intrust the management of its affairs when it is not in session, and said Board of Officers and Managers, shall, for the time being, possess all the powers, and be subject to all the liabilities belonging to the said corporation, by virtue of this act; and when the members of this corporation are in session, two-thirds of the members present shall have power and authority to change or modify the constitution and by-laws.

SEC. 4. Be it further enacted, That the corporation shall keep a record of its proceedings when in session, and shall cause the Board of Managers to keep a record of their proceedings. The Legislature reserves the right, at any time, to modify or repeal this act.

Approved, March 2, 1844.

CHAPTER 336.

AN ACT for the benefit of Sidney H. Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Sidney H. Robertson to file his bill in chancery in the Woodford Circuit Court, against Rebecca Shepherd Darr, infant and only heir of Thomas Darr, deceased, setting forth the particulars of an exchange of land by a verbal contract between himself and the said Darr, in his life time, and if upon the hearing of said bill and answer of said infant, by its guardian *ad litem*, the Chancellor in the aforesaid court, shall be satisfied that the said contract and exchange was made in good faith, and has been fully complied with by the said Robertson upon his part, and no injustice would be done to the infant of the said Darr, it shall and may be lawful for him to confirm the contract so made by the said Darr in his life time, and to decree the conveyance of the said land so exchanged by the said Darr, to him the said Robertson.

Approved, March 2, 1844.

CHAPTER 338.

AN ACT for the benefit of James Devore and Elizabeth L. Devore, and their children.

Preamble.

WHEREAS, it is represented to the General Assembly, that Robert C. Harrison, now deceased, by his last will and testament, devised a certain undivided share of his estate, in trust, for the use of his daughter, Elizabeth L. Devore, during life, and after her death to her children, in fee simple, and that David Castleman is the only acting Trustee, holding the legal title of said share, and that on a division of the estate of said

testator, a certain portion of his land was allotted for the use of said Elizabeth L. Devore and her children, which is wholly unimproved, and said E. L. Devore and her husband, James Devore, conceive it to be their interest to exchange the land so allotted to them, for other land in the same tract, now held by said David Castleman, their Trustee, in his own right, or in right of his wife—therefore.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for James Devore and said Elizabeth L. Devore, his wife, to file their petition in the Fayette Circuit Court, setting forth the terms of the proposed exchange, the quantity and quality of land in each tract, the improvements upon each, and the advantages that will result from the exchange to them and their children, and shall make all their children, and the said David Castleman parties to said petition, who shall be legally brought before the court, and a guardian *ad litem* shall be appointed for the infant children, and for them shall answer, and shall, also, file them with a certified copy of the will of said Robert C. Harrison, deceased, and the said David Castleman shall file with his answer, the evidences of title to the tract of land he owns that is proposed to be exchanged for the land that he holds in trust for the said E. L. Devore and her children; and if said Court, from the exhibits filed, and proof which may be made in court, orally or by deposition or affidavit, shall be of opinion that the title to the tract of land proposed to be exchanged for the land that said Castleman holds in trust for the use of said E. L. Devore and her children, is a good legal title; and shall, also, be of opinion that said exchange would be to the interest and advantage of the said Elizabeth L. Devore and her children, he may make a decree authorizing and directing said proposed exchange of lands to be made; and shall authorize and direct, in said decree, a deed of conveyance to be prepared; which, upon being executed and acknowledged in open court, by said David Castleman and such others as may be necessary, conveying the fee simple title, with clause of general warranty, to the said Elizabeth L. Devore during her life, and to her children on her death, the said tract of land so exchanged; and the court, in said decree, shall appoint a Commissioner for and on behalf of each of the children of the said E. L. Devore, as are under twenty one years of age; and the said James Devore and the said Elizabeth L. Devore, and those over twenty one years of age, shall unite with said Commissioner in conveying said tract of land to the said David Castleman, which deed shall be acknowledged and approved in open court; which deed, and the deed from said David Castleman and such others as may be necessary to sign said deed, shall be certified to the Clerk of the Fayette County Court for record in said office.

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An exchange
of land author-
ized.

Approved, March 2, 1844.

1844

CHAPTER 339.

AN ACT to provide for a change of venue in the prosecution against James B. Spratts.

Preamble.

WHEREAS, it is represented to the present General Assembly, that James B. Spratts stands indicted in the Green Circuit Court for perjury, and that owing to the prejudice and influence of many of the citizens of said county, and especially the prosecutor and his connexions, he cannot have a fair and impartial trial before a jury of said county—for remedy whereof,

Venue changed from Green county to Larue.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said James B. Spratts to appear before the Green Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Larue Circuit Court, which election shall be noted on record, and thereupon the Green Circuit Court shall recognize the said Spratts to appear on the first day of the next ensuing term of the Larue Circuit Court, to answer said indictment; and upon said indictment and such other proceedings as may have been had thereon, being certified to the Larue Circuit Court, shall take cognizance of said indictment and every thing incident thereto, in the same manner as if the offence for which said Spratts is indicted and had been committed in the county of Larue; and shall do and perform all acts and things in as full and ample a manner as though said indictment had originated in the county of Larue; and all the officers of the Larue Circuit Court shall perform all their duties pertaining to their respective offices, in relation to said indictment; and the Judge of the Larue Circuit Court shall, in case the said Spratts makes his election as herein provided, recognize the witnesses, as well on the part of the said Spratts as the Commonwealth, to appear in the Larue Circuit Court, to give evidence in said prosecution; and the said Larue Circuit Court shall proceed on all such recognizances in the same manner as if entered into in that court; and in case said indictment shall be found defective and be quashed, or the judgment arrested, said Spratts shall not, for that cause, be discharged, but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant it, and the defendant shall be tried thereon in the same manner as if the offence had been committed in the county of Larue.

Papers, &c. to be transmitted.

Sec. 2. The Clerk of the Green Circuit Court, upon the election of said Spratts being made as herein provided, shall transmit to the Clerk of the Larue Circuit Court, the indictment, writ, and other papers, with a transcript of all orders made in the case, and shall take the receipt of the Clerk of the Larue Circuit Court therefor.

Penalty on Clerk for fail- **Sec. 3. That if the Clerk of the Green Circuit Court shall fail to comply with all or any part of the duties enjoined on him by this act, he shall be subject to a fine of one hundred**

dollars, recoverable by reasonable notice and rule of the court to that effect, in the Green Circuit Court, in favor of the Commonwealth, which fine shall be applied as other fines are now applied by law.

Sec. 4. That the witnesses attending the Circuit Court in consequence of this change of venue, shall be allowed the same pay per day and for mileage, as other witnesses going out of their county under the legal process.

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ure to do his
duty.

Witnesses to
be paid.

Approved, March 2, 1844.

CHAPTER 341.

AN ACT to incorporate the Frankfort Savings Institution.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That A. G. Hodges, Adam C. Keenon, Allen F. Macurdy, John J. Vest, Thomas B. Stevenson, Richard Knott, Jacob Swigert, Austin P. Cox, John S. Robson, M. Barstow, John W. Pruett, Thomas S. Page, Daniel Epperson, Samuel Knott, M. R. Stealey, C. S. Morehead, Benj. F. Cogle, George W. Lewis, George W. Gwin, A. W. Lockwood, William A. Gorham, Thomas J. Todd, Charles H. Julian, David Meriwether, Henry Watson, Thomas L. Crittenden, William D. Reed, James Shannon, William H. Kendall, George Stealey, Ambrose C. George, George A. Roberson, Philip Swigert, Edward H. Watson, John Watson, Orlando Brown, Lewis Sneed, John P. Redding, John P. Cammack, John C. Herndon, Francis H. Hodges, E. A. Macurdy, Wm. C. Sneed, John Mayhall, Wm. Mathews, Richard Gillispie, Henry Hardie, William H. Stiffler, Nelson Heffner, C. G. Graham, J. R. Graham, Robert Bacon, Robert Brawner, L. J. Sharp, Ben. Monroe, Geo. W. Triplett, James A. Richardson, Olson Lynn, L. Y. Hodges, Joseph Gray, Lazarus Lindsey, G. S. Bacon, L. Bacon, Jr., William T. Price, Joseph G. Roberts, William M. Todd, Lysander Hord, James M. Todd, H. B. Farrar, John Stout, D. C. Freeman, Franklin Dillon, Joseph Clarke, John D. Richardson, Sam. B. Scofield, James Davidson, Thomas S. Theobald, William Greenup, W. C. Goodloe, William T. Herndon, C. D. Morris, H. I. Morris, H. I. Todd, F. H. Moffett, John A. Holton, Geo. W. Sprouse, John Gilfillen, C. S. Waller, Richard Long, James Harlan, L. Broadhead, Mason Brown, W. B. Blackburn, John L. Moore, William Gray, William Lyons, J. B. Walker, H. S. Ellis, Williamson W. Bacon, P. S. Fall, and all and every other person or persons hereafter becoming members of the Frankfort Savings Institution, in the manner hereafter mentioned, shall be, and are hereby created and made a corporation and body politic, by the name and style of the Frankfort Savings Institution; and by that name, shall have perpetual succession, and be capable by law, to hold and dispose of property, to sue and be sued, plead and be implead.

Members of
the Frankfort
Savings Insti-
tution.

Corporation
powers. May
hold and dis-

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pose of property, sue and be sued, &c.

How cease to be members, and vacancies how filled.

When and how first meeting of members to be had; subsequent meetings how appointed.

Seven Directors to be chosen, who choose a President out of their own body. Who judges of the first election of Directors, and how judges of all future elections chosen.

President and Directors to appoint necessary officers & agents, take bond, and fix their compensation.

ed, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation: *Provided, however,* That after the first election, (hereinafter provided for,) should any of the persons herein named, decline to be members, by not depositing money in this institution, agreeably to the by-laws of said institution, they shall cease to be members of the corporation, and the President and Directors shall fill such vacancy or vacancies, by such person or persons as will become depositors therein.

Sec. 2. Be it further enacted, That there shall be a meeting of the members of said Frankfort Savings Institution, on such day in the month of March next, and at such place as the five persons first named in this act, or any three of them, shall appoint; notice of such meeting being given in one or more newspapers printed in Frankfort, at least ten days previous to such meeting, and on such day in the month of March next, and at such place annually thereafter, as the by-laws of the said institution shall provide, for the purpose of choosing from among the members, seven Directors, who shall choose a President from their body, (no member, in any case, having more than one vote,) to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five members first named, shall be judges of the first election of Directors, and the judges of all future elections shall be appointed, and notice of such election given in such manner as the by-laws shall provide; and in case of the death, resignation or vacancy from any other cause in said Board of Directors, the remaining Directors shall fill the vacancy or vacancies from the members of said corporation, for the unexpired term or terms of the Director or Directors, whose seat or seats have been vacated; and if the election should, from any cause, not be made on the day designated, this corporation shall not, from that cause, be dissolved, but the Directors then in office, shall, by the same notice, appoint another day for holding said election.

Sec. 3. Be it further enacted, That the President and Directors, for the time being, or a majority of them, shall appoint all such officers, agents and servants, as they shall deem necessary, to conduct or execute the business and affairs of the institution; fix their compensation, and, in their discretion, to dismiss them; provide for taking the bonds to the corporation, from all or any of their officers, agents or servants, by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss; regulate the

manner of making and receiving deposits, the form of certificates, or shares, to be issued to depositors, and the manner of transferring the same; provide for the investment of the funds of the incorporation in such manner as they shall deem most safe and beneficial; provide for paying all necessary expenses in conducting the affairs of the corporation; and generally, shall pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by this charter, and the said by-laws from time to time, to alter and repeal: *Provided*, That all such by-laws as shall be made by the Directors, may be altered or repealed by a majority of the members assembled at any annual meeting, or at any general meeting called in pursuance of any by-law made for that purpose, and a majority of the members may, at any annual or general meeting, pass by-laws which shall be binding on the Directors: *Provided*, That such by-laws shall not be contrary to the laws of this State or of the United States.

Sec. 4. Be it further enacted, That said corporation shall be capable of receiving from any free person or persons, any deposit or deposits of money, and that all moneys so received, shall be invested in public stocks or other securities, at the discretion of the directors, and in the manner deemed most safe and beneficial: *Provided, always*, That such investment of the funds of the corporation shall be in the manner provided by the by-laws, and that no Director or member shall be liable in his person or property, for any debts, contracts, or engagements of the said corporation, but that the money, property, rights, and creditors of said corporation, and nothing more, shall be liable for the same: *Provided; also*, That no part of the funds of said corporation shall be loaned to any Treasurer or other officer of said corporation.

Sec. 5. Be it further enacted, That it shall be the duty of the Directors, at least once every six months, to appoint from the members of said corporation, five competent persons, as a committee of examination, which committee shall appoint another committee of five persons, from the depositors, (who are not voting members,) in said institution, which two committees, so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof, in one or more newspapers printed in the town of Frankfort, and at any time it shall be required by a majority of the members of said corporation, there shall be, as aforesaid, an examination and report of the condition of said institution; and it shall be the duty of the Directors, on the first Monday in January, and on the first Monday in July in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders and depositors, or their legal representatives, within ten days thereafter.

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Directors to regulate the mode of deposit, form of certificate of shares, mode of transfer, and pass by-laws necessary.

By-laws subject to alteration by a majority of the members at any general or called meeting who may pass by-laws to bind the Directors.

Who may make deposits, and how to be invested.

Directors not individually responsible.

Treasurer or other officer to borrow the funds.

Committee of examination appointed every six months, and oftener if required by a majority of the members.

Dividends to be declared 1st Mondays in Jan. and July, annually.

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Certain notes
discounted to
have the force
of foreign bills
of exchange;
no priority in
adm'n.

Sec. 6. Be it further enacted, That all bills and notes at any time discounted or made payable to said institution, having the words "without defalcation," embodied in it or them, shall be put upon the same footing as foreign bills of exchange; and said institution is to calculate and charge interest according to the rules said down in Rowlett's tables of interest, and as is usual on discounted notes, any law, custom, or usage to the contrary notwithstanding: *Provided*, There shall be no damages on any such bills or promissory notes discounted by said institution, and they shall have no greater dignity or priority of payment in a regular course of administration, than the other bills or promissory notes.

Minors may
make deposits.

Sec. 7. Be it further enacted, That said institution may receive deposits from minors, the consent of such minors' parents, guardians, or masters being given thereto in writing, but shall not pay such deposits over to such minor, or any part of the interest accruing thereon, until such minor shall have attained the full age of twenty one years, unless the parents, guardians, or masters of such minors consent thereto in writing.

Not to issue
bills of credit,
payable to
bearer or to
order, on demand
or at any
future day, but
may deal in
bank notes and
bills of ex-
change.

Sec. 8. Be it further enacted, That this corporation shall not make or issue notes or bills of credit, in the nature of bank notes or bills, payable on demand or at a future day, to bearer or order, or in any other form; but they may, if found necessary, deal in bills of exchange and bank notes, and draw for funds transferred to them, or in any manner to their credit, in any place whatever, out of the town of Frankfort, but shall, in no event, exercise any banking or other privileges except as herein granted and provided for.

Depositors
may recover 10
per cent. per
annum, for fail-
ure to pay on
request regu-
larly made.

Sec. 9. Be it further enacted, That should any person or persons, body politic or corporate, make any deposit or deposits of money, bank notes, or other valuable thing, in the office of this institution, on the terms and conditions that shall be published by the officers thereof, and under the conditions of said deposit draw for the same, and be refused re-payment thereof, or be unnecessarily delayed in receiving his or their money, the said institution shall forfeit and pay to any such depositor, damages at the rate of ten per cent. per annum, for the delay occasioned, to be recovered by an action to be brought at the next term of the Franklin Circuit Court after such delay or refusal to pay; and should the said corporation, at any time, fail to re-pay the deposits made with them, this act shall cease and determine; and on the same being satisfactorily proved to the Franklin Circuit Court, the Judge of said Court shall appoint Commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof, in equal proportions to their several demands.

Judge of the
Franklin Cir-
cuit Court may
suspend the
corporate pow-
ers in case of
failure to pay
deposits, &c.

Weekly depo-
sitors may be

Sec. 10. Be it further enacted, That in the event of any member, (or person who may hereafter become a member of this institution,) becoming owner of more than one share of

the original hundred shares of stock, (hereby incorporated,) by purchase or otherwise, it shall be the duty of the Directors, for the time being, to cause certificate or certificates of membership to be issued to a weekly depositor or depositors in said institution, creating them voting members of this corporation, in order that the number of voting members shall always be kept at the original number of one hundred, hereby incorporated. This charter shall continue for and during, and until the expiration of the year one thousand eight hundred and sixty five and no longer.

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created voting
members, in
certain cases.

Sec. 11. The right to modify, alter, or repeal this act is hereby reserved.

Approved, March 2, 1844.

CHAPTER 342.

AN ACT to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Morganfield be, and they are hereby authorized to make the improvements on any of the principal streets in said town, as directed in the sixth section of an act, entitled, an act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes, approved the 21st day of February, 1842, so soon as a majority of the owners of the lots bordering on streets, shall enter their written assent to such improvement.

The Trustees
of Morganfield
authorized to
make improve-
ments.

Sec. 2. That the Police Judge of said town, be, and he is hereby authorized to grant writs of *habeas corpus, ne exeat,* injunctions, and restraining orders, and upon the return of any writ of *habeas corpus* before himself, shall have the power to hear and determine the same, to admit to bail, take recognizances, and exercise all the jurisdiction of a Justice of the Peace thereon.

Police Judge to
have same ju-
risdiction of a
Justice of the
Peace.

Whereas, it is deemed important by the citizens of the town of Warsaw, that the charter of said town, as heretofore passed by the Legislature of Kentucky, and approved February 20, 1839, be so amended as to protect the growing interest of said town, and for which it is represented, their present charter is insufficient—therefore,

Preamble re-
lating to town
of Warsaw.

Sec. 3. *Be it further enacted,* That the town of Warsaw, as now established, and as the plat thereof is recorded in the Clerk's office of the Gallatin County Court, within the following boundary, to-wit: beginning at a stake on the Ohio river, a corner of Geo. Roberts; thence south thirty six degrees east, fifty four poles; thence north fifty four degrees east, sixty six poles; thence south thirty one degrees east, thirty one poles; thence north fifty four degrees east, fifty three poles; thence north thirty six degrees west, thirty one poles; thence

Town limits.

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north fifty four degrees east, twenty four poles; thence north thirty six degrees west, fifty four poles; thence south fifty four degrees west, one hundred and forty poles, binding on the river, to the beginning, shall be, and the same is hereby declared to be the town of Warsaw, and as such, by that name, shall be capable in law, of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatsoever, and in all courts and places.

SEC. 4. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in seven Trustees, who shall be elected on the first Monday in March, annually, under the control of two suitable persons appointed by the Trustees; said Trustees shall hold their offices for one year, or until their successors shall have been qualified; and in case of any vacancy, by death, resignation, or otherwise, it may be filled by the Board, at any regular meeting thereof: *Provided*, A majority of all the qualified Trustees concur therein.

Trustees to be elected. Before entering upon the duties of his office, each member of the Board shall appear before some Justice of the Peace of the county, and make oath that he will perform the duties of his office to the best of his skill, and a certificate to that effect must appear on the record book of the Board. No one shall be capable of holding the office of Trustee, or be considered a legal voter, unless satisfactory evidence be produced to the conductors of the election, that he has paid the town tax collectable in the preceding year, and shall, at the time of their election and voting, actually reside in said town: *Provided, also*, All elections for Trustees shall be *viva voce*.

Who entitled to vote. **Trustees to make oath.** **To appoint Chairman and Clerk.** **SEC. 5.** That said Trustees may appoint one of their body as Chairman, who shall preside over the meetings, and may call a meeting of the Board at any time, and shall continue in office at the discretion of the Trustees. They may appoint a Clerk, who shall perform the duties imposed by the Board, and remain in office at their discretion. Said Trustees may have regular stated meetings as often as they may deem necessary, and a majority must be present and concur in all business.

Trustees to assess tax and fix the fees of officers. **SEC. 6.** Said Trustees shall have power to assess, annually, a poll tax on the legal tithables of said town, not exceeding fifty cents a head, and levy an *ad valorem* tax on the real and personal estate within said town, that is taxed by the revenue laws of this Commonwealth, not to exceed ten cents on each one hundred dollars worth of property; they shall have power to contract for the grading, paving, and improvement of the streets and alleys, and the paving of the side walks of the same; to levy and collect from the owner or manager of all exhibitions of animals or shows of all and every description, that shall be exhibited within the limits of said town, a tax not to exceed twenty dollars for each exhibition; they shall have power to pass by-laws and ordinances for the enforce-

ment of the powers granted by this act, by inflicting adequate penalties for the enforcement of the same, and to fix the fees of officers under their appointment.

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Sec. 7. Said Trustees shall have power to appoint a suitable person as a Commissioner to take in a list of taxable property in said town; who shall, before he enters upon the duties of his office, make oath before the Chairman of the Board, (who is duly authorized to administer the proper oath,) that he will faithfully and truly discharge the duties of his said office, according to the best of his knowledge and ability; who shall proceed to the performance of his duty, and make return under the direction of the Board; and if any person or persons shall fail or refuse to give in a list of his or her property to said Commissioner, together with the valuation thereon, under oath, it shall be the duty of said Commissioner to report the fact to the Trustees, together with the amount of property, (as near as he can ascertain,) owned by such individual or individuals, in said town, and thereupon the said Trustees shall proceed, upon the report of said Commissioner, and such other information as they can obtain, to fix the amount with which such individual may be properly chargeable, and collect the same, in the same manner as if the list had been regularly given in to said Commissioner.

Trustees to appoint Commissioner to take a list of taxable property.

Sec. 8. That said Trustees shall, as soon as practicable, after the said Commissioner's list shall be returned as aforesaid, appoint a Collector to collect said tax, who shall give bond and surety, payable to the Trustees and their successors in office, in a penalty of double the amount of taxes to be collected, conditioned for the prompt collection and payment of said tax to the said Trustees, within such time as they may direct; during which period of time, and not afterwards, the said Collector shall have power to distrain for the said taxes, in case of non-payment, in the same manner that Sheriffs are allowed by law to distrain for the county levy.

Trustees to appoint a Collector of tax.

Sec. 9. That said Trustees shall appoint an officer, to be styled the town Marshal, removable at their pleasure, who shall be sworn faithfully to discharge the duties of his office, and shall execute bond with security, in an adequate penalty, conditioned to pay over all sums of money that may come to his hands, to the persons entitled thereto, and faithfully to discharge the duties of his said office; upon which bond, he and his sureties shall be liable, to any person aggrieved, in like manner as Sheriffs are liable.

Collector to have the same power to distrain that Sheriffs have.

Trustees to appoint a Marshal.

Sec. 10. That said Trustees shall have ample power to pass such by-laws and ordinances as they may deem necessary or advisable, for the preservation of the health, peace, harmony, safety and convenience of its citizens; to prevent the introduction of any infectious disease; to require and compel the abatement and removal of nuisances; to prohibit hogs and other animals from running at large within the town limits; to prevent riots, routs and breaches of the peace; to prohibit the

Trustees to pass such by-laws as may be necessary for the health, &c. of said town.

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throwing of wood, or causing any other obstruction in any of the streets or alleys of said town; and upon the violation of any of the ordinances of said town, it shall be the duty of the town Marshal to proceed forthwith to bring the case up before some Justice of the Peace of the county, who shall hear and determine the same according to law and the ordinances of said town, and give judgment, upon which judgment the town Marshal, who is hereby authorized, shall see executed in the same manner that Constables, under like judgments, could proceed. All the fines and forfeitures arising under the breach of any of said ordinances, are hereby vested in said Trustees, for the use and benefit of said town; and to regulate the sale of ardent spirits within the corporate limits of said town, other than what may be disposed of by tavern keepers licensed to do so by the County Court.

SEC. 11. That where any person or persons, owning real property within said town, shall fail to pay the tax levied as aforesaid, on or before the first day of August, annually, it shall be the duty of the Collector appointed by the Board, to advertise the said real estate, by the number of the lot or lots on which said tax may be due, together with the sum due on each lot, for six weeks successively, previous to the day of sale, at the Court House door within said town; and also, for six weeks in any newspaper that may be published in said town; the said sale to be at the Court House door within said town; and should the owner or owners of such lot or lots, fail to pay the said tax before the day of sale, together with all costs and expenses attending the advertising the same, then it shall and may be lawful for such Collector, then and there, agreeable to such advertisement, to proceed to sell, under the direction of the Trustees of said town, such lot or lots, so advertised, to pay the tax thereon due, together with the costs attending such advertisement; and it shall be the duty of the said Trustees, and their successors, at any time after the expiration of the time limited for redemption, to convey the same to the purchaser or purchasers, by good and sufficient deed or deeds of indenture, with special warranty; that all real property sold by virtue of this act, shall be redeemable within two years from the day of sale thereof, upon the payment of the tax and costs due at the time of sale, and an interest of twenty five per cent. per annum thereon, and all taxes that may have become due after the sale thereof:

Provided always, That all infants and *feme covertis*, whose real estate may be sold by virtue of this act, shall be allowed two years after their several disabilities are removed, to redeem the same, on the payment of the tax and costs due at the time of sale, and all the taxes that may be due or paid until such redemption, together with interest thereon, at the rate of six per cent. per annum, from the time such tax or taxes became due, until such redemption: **And, provided also,** That the redemption money as aforesaid, may be paid to the Clerk of the

**Collector to
advertise lots
for sale when
tax is not paid.**

**Collector to
sell lots for tax.**

**Trustees to
convey to pur-
chaser.**

**Infants and
feme covertis to
have two years
to redeem real
estate sold for
taxes.**

Board of Trustees, and his certificate shall be good for the same.

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Sec. 12. That it shall be the duty of the Collector of the taxes aforesaid, within ten days after the sale of any lot or lots, sold in pursuance of this act, to make out a true and faithful list of such lot or lots so sold, with the name of the purchaser, and return the same to the Clerk of the Board of Trustees; and it shall be the duty of the said Clerk to record the same in a book to be kept for that purpose, for the information of all persons concerned.

Collector to make a report in ten days after sale.

Sec. 13. That it shall be lawful for the said Trustees, whenever two thirds of the owners of lots fronting upon any street or square, or any portion of a street or square, where four lots compose a square, and whenever one half of the owners of lots fronting upon any street or square, where two lots compose such street or square, shall petition therefor, to cause the street or side walk of such portion of streets to be paved, at the cost, and expense of the owners of the ground fronting such street or portion of a street; and the said Trustees shall possess ample power to sell and convey any lot or lots, the owner or owners of which shall refuse, when required, to defray the expense of paving the side walks binding thereon; and whenever two thirds of the owners of lots fronting upon any street or square, or any portion of a street or square, shall petition for paving such street or square, or any portion of a street or square, to cause said street or square to be paved: *Provided, however,* That the owner or owners of such lot or lots so sold, shall be allowed the term of one year after such sale, to redeem the same, by refunding the amount for which the same may sell, with twelve per cent. per annum interest thereon till refunded.

When the Trustees may cause the streets to be paved.

Sec. 14. That said Trustees and their successors shall, in addition to the powers heretofore granted them, have full power and authority to grant wharf privileges on the Ohio river, at the foot of, or opposite the cross streets leading to the river, to fix the rates of wharfage, and to impose upon the grantees or grantee, the performance of such duties as they may think proper, for the benefit of the commercial and other interests of said town, and for such period or periods of time as they may think proper, under such rules and regulations as they may, from time to time, stipulate with the grantee or grantees of such privileges.

Trustees to have power to grant wharf privileges.

Sec. 15. That it shall and may be lawful for the Trustees of said town to receive and hold any real or personal estate, not exceeding in amount ten thousand dollars, derived by purchase or otherwise, for school and other purposes; and also, to purchase or receive by donation, devise, or bequest, and hold any quantity of ground contiguous to said town, not exceeding four acres, for a burial ground; also, have power and authority, whenever the same may be deemed necessary, to purchase and hold, for the use of said town, a suitable site or

Trustees to receive and hold real and personal estate for school purposes.

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sites, and erect, or cause to be erected thereon, a market house, and make all rules for the regulation and protection thereof; they shall have power to pass by-laws and ordinances for the protection of the public property in said town, including the public square, and impose adequate penalties for the violation of the same.

Trustees to publish accounts, &c. SEC. 16. Said Trustees shall, annually, publish an account of all the moneys received and paid out by their order, during the year they are in office.

SEC. 17. That no Trustee of said town shall, by himself, contract for, or procure any other person to contract for him, for any public work let out or disposed of by the Board, during his continuance in office.

Who eligible to the office of Trustee. SEC. 18. That no person shall be eligible as a Trustee unless he is a free white male citizen of twenty one years of age or upwards, and have been a resident of said town for one year next preceding his election.

Trustees to pass laws or ordinances. SEC. 19. Said Trustees are hereby vested with full power to pass any and all laws or ordinances (not hereby granted,) for the purpose of carrying fully into effect and execution, the foregoing enumerated powers: *Provided, however,* That the said Trustees shall pass no ordinances repugnant to the constitution and laws of the United States or of this State.

Trustees to elect a Treasurer who shall give bond, &c. SEC. 20. That it shall and may be lawful for the Board of Trustees to elect a town Treasurer, who shall hold his office for the term of one year, and who shall give bond, in adequate penalty, for the faithful performance of such duties as may be assigned him by the Board, and the faithful and prompt payment of all orders that may be drawn on him when in funds, and deliver to his successor in office all moneys and papers that may be in his possession belonging to the town at the time he leaves his office: *Provided,* Said Treasurer shall not be a member of the Board of Trustees during the time he holds said office of Treasurer.

SEC. 21. That all acts and parts of acts coming within the purview of this act, concerning the town of Warsaw, be, and the same are hereby repealed: *Provided,* That the former Board of Trustees shall be in office until the election under this act.

Eddyville Free Church incorporated. SEC. 22. *Be it further enacted,* That Willis B. Machen, John W. Marshall, Reuben R. O'Hara, Archibald Hunter, Robert L. Cobb, and James N. Gracey be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Eddyville Free Church, and by that name shall have perpetual succession and a common seal, and that said Trustees shall have power, on the death, resignation, removal, or other disqualification of any of the Trustees or their successors, a majority of those remaining concurring therein, to fill all such vacancy or vacancies; and should all of said Trustees or their successors, either by death, resignation, or otherwise, vacate their office, then, and in that

Trustees have power to fill vacancies.

event, the Trustees of the said town, for the time being, shall proceed to fill the same; and the person or persons so appointed, shall be vested with the same power and authority as though they had been named specially in this act, and by the name and style of the Trustees of the Eddyville Free Church, may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

Sec. 23. That the above named Trustees and their successors be, and they are hereby vested with full authority to receive, by deed of conveyance or otherwise, any lot or lots of ground which may have been, or may hereafter be donated for the use and benefit of said Church, which donations shall be applied to the use and benefit of said Church, and to no other purpose whatever.

Sec. 24. *Be it further enacted,* That if said Trustees or their successors, in the exercise of a sound discretion, should for any cause whatever, deem it necessary to sell or convey said Church, they are hereby endowed with full power and authority to do so; but in the event of such sale or conveyance being made by said Trustees, then, and in that event, the lot of ground on which the Church now stands, shall revert back to the donor or his successors, with a title as full and absolute as though no such donation had been made.

Trustees to receive lots by conveyance.

Trustees to have power to sell.

Approved, March 2, 1844.

CHAPTER 343.

AN ACT for the relief of the heirs of Isaac Rust, deceased.

WHEREAS, it is represented to the present General Assembly, that Isaac Rust, late of Muhlenburg county, deceased some time between the years 1804 and 1807, purchased from Samuel Adams, John Adams and John Adams, Jr., their several claims and interests in the following described tracts of land, lying in said county of Muhlenburg, that is to say: 100 acres, surveyed in the name of Samuel Adams, the 21st of April, 1803, in virtue of certificate, number 381; 100 acres, surveyed in the name of John Adams, assignee of Joseph Vaughn, the 6th of August, 1805, in virtue of certificate, number 3,642; 200 acres, surveyed in the name of John Adams, assignee of Philip Alston, who was assignee of William Wilson, the 3d of January, 1800, in virtue of certificate, number 3,102; 100 acres, surveyed in the name of John Adams, assignee of Joseph Vaughn, the 6th August, 1805, in virtue of certificate, number 3,642; 200 acres, surveyed in the name of John Adams, the 4th of July, 1799, in virtue of certificate, number 3,038; 300 acres, surveyed in the name of Samuel Adams, the 21st of April, 1803, in virtue of certificate, number 362; and, 200 acres, surveyed in the name of John Adams, Jr., the 13th of July, 1804, in virtue of certificate, number 317. That the above described several plats and certificates of survey, were

Preamble.

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regularly assigned by the said John Adams, Samuel Adams and John Adams, Jr., to the said Isaac Rust, and delivered to him, and who retained the possession of the same, until about the year 1820, at which time his dwelling house and its contents, including said assigned plats and certificates, were destroyed by fire; that said Isaac Rust died in the year 1825, leaving five infant children; that grants have never been issued for said described tracts of land, or either of them, and that said Adamses have removed from the limits of this Commonwealth, and have never since the making of said sales and assignments to said Rust, set up or pretended any claim to said tracts of land, or either of them—for remedy whereof,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if the heirs of said Isaac Rust, deceased, shall institute a suit in equity, in any court of this Commonwealth, having jurisdiction of the subject matter, against the said John Adams, Samuel Adams and John Adams, Jr., or the heirs of such as may be dead, or shall hereafter die; and obtain a decree in the regular course of chancery proceedings, showing that the said Isaac Rust, in his lifetime, purchased from the said Adamses their several claims and interests in the aforesaid described tracts of land, or either of them, and that the original plats and certificates of surveys were assigned to said Rust, and delivered to him as stated in the preamble; that upon the production of an official copy of such decree, and certified copies of said surveys, to the Register of the Land Office, it shall be the duty of said Register to issue patents for said several tracts of land, in the names of the heirs of said Isaac Rust, deceased.

Preamble. And, whereas, also, it is represented to the present General Assembly, that on the 5th day of April, in the year 1803, the Surveyor of Muhlenburg county, surveyed for said Isaac Rust, in his lifetime, in virtue of certificate, number 116, four hundred acres of land, part lying in Muhlenburg and part in Christian county; that the original plat and certificate of survey were delivered to said Isaac Rust, and by him retained for several years thereafter, when they were destroyed by the conflagration of the dwelling house of said Isaac Rust; and, that in the year 1825, the said Rust died, without obtaining any grant for said land—for remedy whereof,

Sec. 2. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the heirs of said Isaac Rust, deceased, filing with the Register of the Land Office, an official copy of said survey, it shall be the duty of said Register, to issue a patent for said land, in the names of the heirs of said Isaac Rust, deceased: *Provided*, That nothing herein shall affect any paramount claim to said tracts of land, or any part thereof.

Register receive and issue a patent on a copy of survey.

Approved, March 2, 1844.

CHAPTER 344.

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AN ACT authorizing the Trustees of the Town of Cadiz to sell and convey certain ground in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the town of Cadiz, or a majority of them, to sell and convey, with the written consent of the owner or owners of the adjoining lots, twenty feet on each side of that portion of Brown street, in said town, lying between lots numbers twelve and thirteen, in Baker's addition to said town, and south east of Main street; and the sale and conveyance of said ground by said Trustees, or a majority of them, with the written consent of the owner or owners of the lots adjoining said ground, shall be effectual to pass the title to the purchaser.

Approved, March 2, 1844.

CHAPTER 346.

AN ACT for the benefit of John Howard, of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Howard, of Logan county be, and he is hereby authorized to import and bring into this State, from the State of Tennessee, a negro woman named Patsey, and her two children, any law to the contrary notwithstanding: *Provided, nevertheless,* That said Howard shall, within thirty days thereafter, file with the Clerk of the County Court of Logan county, an affidavit, setting forth the names, ages, and sex of the negroes, and that they were brought into the State for the use of himself and family, and not for sale or merchandize.

Approved, March 2, 1844.

CHAPTER 347.

AN ACT for the benefit of the Methodist Episcopal Church in New Castle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William A. Perry, James Goslee, James McCasland, Ambrose O'Bannon, Caleb M. Mathews, and their successors in office, be, and are hereby created a body politic and corporate, under the name and style of the Trustees of the Methodist Episcopal Church, for the New Castle Circuit; and by that name and style, may sue and be sued, plead and be impleaded, and take and hold any quantity of ground, or lot in the town of New Castle, not exceeding two acres, and erect thereon a suitable building for a parsonage, for the use of said Circuit, in all respects under the provisions of an act, entitled, an act for the benefit of Religious Societies in

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this Commonwealth, approved February 1, 1814; and the office of Trustee, when vacated, shall be filled according to the disciplinary provisions of said Circuit.

Approved, March 2, 1844.

CHAPTER 349.

AN ACT to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

Title to property defective. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when the title of any property insured by said company shall be ascertained to be defective, or when the security on any premium note shall turn out to be insolvent, or when any call on a premium note shall not be paid when legally called by the company, it shall be lawful for the

Duty of President, &c. President and Directors to give written notice of the defect of title, or written notice of the insolvency of the security, or written notice of the non-payment of the call, and if the defect of title is not remedied by the production of a good title, or of a note for the amount of the premium, with ample personal security, or the insufficiency of the security remedied by additional security, or the call paid within ten days after the notice given, the President and Directors may, and they are hereby vested with full power and authority to declare the policy void, by an entry to that effect on their records, and thenceforth all such policies shall be null and void: *Provided*, If the person insuring reside out of the State, or be absent from the same for the space of three months, it shall be lawful to publish the notice in one of the public papers printed in Louisville, for three weeks before such declaration of forfeiture shall be made.

Proviso.

Approved, March 2, 1844.

CHAPTER 350.

AN ACT for the benefit of Joseph Forman, and Catharine his wife, and their children.

Circuit Court to appoint Commissioners. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Circuit Court in Nelson county, upon the petition of Joseph Forman, and Catharine his wife, to appoint three Commissioners, (any two to act,) to examine and report to said court, whether or not it would be to the interest of the said Forman and wife, and their children, to have sold, a certain tract of land, devised to the said Catharine and her children,

May direct a sale of land. by Mary Ratcliff, deceased; and upon the report of said Commissioners, the said court may direct a sale of said land by a Commissioner, upon such terms as may seem proper to said court, and direct that the proceeds of the sale of said land

shall be vested, by a Trustee to be appointed by said court, in land which is to be held by said Trustee, as directed in the will of the said Mary Ratcliff, deceased; and said court may, in its final decree, make such provision with the proceeds of the sale of said land as may be shown to be to the interest of the said Catharine Forman and her children.

SEC. 2. Be it further enacted, That said court shall have power and authority to require bond and good security of any Commissioner or Trustee that may be appointed to carry out or execute the decree that may be rendered, so as to protect and secure the interest of said Catharine and her children, and make all necessary orders to prepare said case to final decree, according to the rules of chancery practice.

Approved, March 2, 1844.

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CHAPTER 351.

AN ACT to incorporate the town of Keene, in the county of Jessamine, and Waitsborough, in Pulaski county.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town of Keene, in the county of Jessamine, is hereby established, and shall be bounded according to the present metes and bounds of said town.

Town estab-
lished.

SEC. 2. That Charles H. Spilman, Daniel Lyne, Mason Singleton, Martin P. True, Hervey C. Huggins, Fielding F. Dean, and M. P. Lancaster, are hereby appointed Trustees of the said town, who shall hold their offices as such, until the first Saturday in January next, when the citizens of said town shall, on that day, and every first Saturday in each succeeding January thereafter, elect seven free holders of said town as Trustees for the same.

SEC. 3. That the aforesaid Trustees and their successors are hereby constituted a body politic, with power to levy a tax upon the tithables and property of said town, not to exceed fifty cents on each tithe, and fifty cents on each one hundred dollars worth of property, for the purposes of the improvement of said town and its municipal regulations; and the said Trustees are hereby invested with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any matter touching the government of said town, in pursuance of the powers hereby granted.

Their duty.

*SEC. 4. That the Trustees of said town shall have power to pass by-laws for the regulation and well government of the said town, not inconsistent with the constitution and laws of this State, which by-laws shall be in writing and recorded in a book kept for that purpose: *Provided*, No by-law shall be passed unless a majority of all the Trustees of said town shall concur in its enactment.*

And power.

SEC. 5. Be it further enacted, That a town shall be, and the same is hereby established on a certain tract or parcel of Town estab-
lished.

1844

land lying and being on the Cumberland river, in Pulaski county, containing seventy acres, which has been laid off into lots, streets, and public grounds, as appears from a plan and plat of said town now before the General Assembly aforesaid, bearing date the 10th day of January, 1844; and said town is hereby established according to said plat.

Name. Sec. 6. *Be it further enacted,* That the name of said town shall be Waitsborough.

Trustees. Sec. 7. *Be it further enacted,* That John Beaty, Sr., Joseph B. Newell, John Long, George W. Saunders, and John Beaty shall be, and they are hereby appointed Trustees of said town, who shall hold their offices for one year and until they have successors duly appointed, a majority of whom may act in all things pertaining to their office, and in all other things they shall be governed by the general laws of this Commonwealth in relation to towns, unless otherwise in this act directed.

Sec. 8. *Be it further enacted,* That all purchases of lots in said town, shall be made from Bourne Goggin and Cyrenius Wait, the proprietors of the land upon which said town is established, and they shall make the conveyances of title to the purchasers of lots, and be responsible for the title according to their warranty and the laws of the land.

Sec. 9. *Be it further enacted,* That when the lot owners and citizens of said town together, amount to the number of fifteen, qualified to vote for Trustees according to the General laws of this Commonwealth in relation to towns, they shall have the right to elect and choose the Trustees of said town, according to the act of the General Assembly of this Commonwealth, entitled, "an act to amend an act entitled, an act concerning towns in this Commonwealth."

Approved, March 2, 1844.

Preamble.

AN ACT for the benefit of Thomas E. Puckett, of the county of Butler, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Thomas E. Puckett, of the county of Butler, emigrated from the State of Virginia, into this State, in the fall of 1843, importing with him certain slaves, and in ignorance of an act, entitled, "an act to amend the law prohibiting the importation of slaves into this State," approved February 2, 1833, failed to take the oath required by the aforesaid act—for remedy whereof,

May take oath. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of three months from the passage of this act, be allowed to the aforesaid Puckett, to take the oath required by the act recited in the preamble hereto.

CHAPTER 353.

Sec. 2. Be it further enacted, That John C. Andrews, guardian for the infant heirs of James P. Wimms, deceased, be, and he is hereby authorized to sell and dispose of a negro man slave, by the name of Moses, now about thirty eight years old, the property of the estate of the said decedent, for the best price that can be obtained, and the proceeds of the sale of said slave to be accounted for by said guardian, to the heirs or legal representatives of the said James P. Wimms, deceased, to the same extent, and in the same manner, that said guardian is bound for the residue of said estate: *Provided*, The securities of the said guardian appear in the Clerk's Office of the Todd County Court, and enter their assent to said sale, upon the records in said office: *Provided further*, That the said guardian shall, with the proceeds of said sale, purchase for the said heirs, other slave or slaves.

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Guardian may
sell negro.

Approved, March 2, 1844.

CHAPTER 357.

AN ACT to incorporate the Maysville Manufacturing Company, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Armstrong, Andrew M. January, Adam Beatty, R. T. Blanchard, Marshall Key, David Lindsay, Wm. Hodge, Lewis Pearce, F. T. Hord, Jon B. M'Ilvaine, Richard Collins, and those who may associate with them as stockholders, and their successors, shall be, and they are hereby created a body politic and corporate, until the year eighteen hundred and seventy, by the name of "The Maysville Manufacturing Company," and by that name are hereby made able and capable in law, to take, purchase, hold and possess lands, tenements, hereditaments, goods, chattels, merchandize and effects, such as may be necessary for the purposes of said corporation, to an amount not exceeding two hundred thousand dollars; and the same to sell, grant, demise, alien, and dispose of at pleasure; also, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of law and elsewhere; they may make, establish, and put in force, such by-laws and ordinances, as they may deem conducive and proper for the government of said corporation, and the management of its fiscal and prudential concerns, and the direction of its officers and agents; they may have and use a common seal, and may change, alter and renew the same at pleasure; and generally, may do and perform all such acts, matters and things, for the purpose of carrying into effect the objects of this act, that corporations for limited purposes may do, not contrary to the laws and constitution of this State or of the United States.

The Maysville manufacturing Company, corporators names and style of company.

May hold lands &c.

Corporate powers.

May pass by-laws, ordinances, &c.

Sec. 2. That the capital stock of said company, shall be divided into shares of five hundred dollars each, to be subscri-

Capital stock divided into shares.

1844**Certificate to issue.****Stock personal estate.****Books to be opened for subscription of stock, when & where, and meeting to be called.****Board Directors to be elected, their powers, duties, & business which the corporation may carry on.****Secretary and Treasurer to be appointed, to give bond, &c.****Statement of business to be made annually.****Term of office and vacancies how filled.****When corporation to go into operation.****Clerks, agents, &c. may be ap-**

bed, paid for, and held by the persons named in this act, agreeably to such rules and regulations as a majority of them shall agree and direct. For all stock, when fully paid for, certificates shall be issued, under the seal of the corporation, signed by the President, and countersigned by the Secretary, which stock may be transferred by the proprietor thereof, on the books of the corporation, in person, or by attorney in fact, and the assignee shall be entitled to a new certificate, upon the surrender of the old one. The stock shall be personal estate, and pass, be held, and descend as such; and each share shall entitle the holder thereof to one vote in all elections and at all meetings of the stockholders.

Sec. 3. That said John Armstrong, and others named, or any three of them, shall be, and they are authorized to open books for the subscription of stock in said company, in the City of Maysville, at any time after the first day of May next, and as soon as shares to the number of fifty, shall be subscribed, they may call a meeting of the subscribers who are stockholders, at such time and place in said city, as they may name, on ten days' notice, published in some newspaper printed in said city; and the said stockholders, at that time, and on the first Monday of January in each and every year thereafter, shall elect a Board of Directors, to consist of a President and three Directors, all of whom shall be stockholders to the amount of at least four shares each. To the said Board of Directors shall be confided the business of the corporation, which shall be, to carry on the manufacture of hemp, manilla rope, tow, flax, cotton and woolen goods, and the purchase and sale of merchandize; and they may purchase and erect such mills and works, store houses and machine shops, and machinery, as may be necessary to carry on the business of the corporation. The said Board of Directors shall appoint a Secretary and Treasurer, and shall require from each a bond and such security as the said Board may deem sufficient for the faithful performance of their several duties; and on the first Monday of January, in each year, a full and fair statement of the business of the preceding year, shall be laid before the stockholders, by the President of the Board; and the said Board may then divide the profits arising from the business, and pay them over to the stockholders; but no dividend shall be made to reduce the capital stock.

Sec. 4. The President and Directors shall continue in office until their successors are elected and qualified; and in case the President or either of the Directors shall die or resign, the remainder shall supply the vacancy for the residue of the term. The corporation may go into operation so soon as fifty shares are subscribed, and the residue of the stock may be sold at such time and in such manner as the Board of Directors may direct.

Sec. 5. The Board of Directors shall appoint, in addition to the Secretary and Treasurer, all other Clerks, Agents and

laborers, necessary to the business of the corporation, and may remove them at pleasure; and a correct record of the proceedings of the corporation shall be kept, and faithful and correct books shall be kept of the business and operations of the company, which books and all papers of the company, shall be subject to the inspection of the stockholders at all general meetings thereof.

SEC. 6. This company may at any time, three-fourths of the stock concurring, dissolve the corporation, and wind up its business: *Provided*, They first pay the debts of the corporation; and said corporators shall not reduce the capital stock, by dividing the same, or withdrawal, until all the debts are so paid, but said capital stock shall remain liable for all debts.

SEC. 7. *Be it further enacted*, That John F. Harris, Berry Hodge, James B. Husbands, and James Campbell, and their successors, are hereby incorporated as a body politic, by the name and style of the Paducah Cotton Factory Company, and by that name and style may exercise, possess, and enjoy all the privileges and immunities of a corporation, for limited purposes, and the business of said corporation shall be to spin cotton yarns, and manufacture cotton goods; and said corporation, by their corporate name, may sue and be sued, in all courts of law or equity, and may, in its corporate name, contract and be contracted with, and purchase such real estate as may be necessary to the purposes of said corporation, and hold the same, and also, alien and dispose of the same at pleasure.

SEC. 8. The capital stock of said company shall not be more than fifty thousand dollars, to be divided into shares of five hundred dollars each; and said stock may be subscribed for and when fully paid for, said corporators shall issue a certificate for the same, which may be transferred on the books of the corporation, in person or by attorney in fact, by a surrender of the certificate, and a new certificate shall be issued to the transferee, and said stock shall be deemed personal property, and pass as such; and said corporators may, at any time, open books for the subscription of stock in said company; and the said company shall not reduce the capital stock paid in, but may, semi-annually or annually, declare the profits on said stock, and pay the dividends on the same to the holders of the stock; and said company may, as soon as the sum of five thousand dollars is paid in, proceed to exercise all the powers hereby granted; and when said sum is subscribed and paid in, the said corporators shall call a meeting of such stockholders, and they shall elect a President and Treasurer, to hold their office at the pleasure of the stockholders; and the management of the prudential and fiscal concerns of said corporation shall be under the management and control of said President and Treasurer, subject to such rules and regulations, and by-laws, as said stockholders may, from time to time, at any meeting, make and ordain; and said stockholders may alter or change any of the by-laws, so as not to make any by-law in-

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pointed and
removed.
Correct record
to be kept.

Corporation
may be dissolv-
ed, and how.

Paducah Cot-
ton Factory in-
corporated—
The corpora-
tors names and
powers.

Business of
the corpora-
tion.
May sue, &c.

Capital stock
divided into
shares.

Certificates to
to issue, and
may be trans-
ferred.

Shall be deem-
ed as personal
property.
Books for sub-
scription stock
to be opened.
Dividends may
be declared.

When corpo-
rate powers
may be exer-
cised.

President and
Treasurer to
be elected, and
manag e ment
of concerns of
company confi-
ded to them,
subject to by-
laws, &c.

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consistent with the constitution and laws of this Commonwealth; and the business of said corporation shall be carried on in the town of Paducah.

**Corporators
names & style.** Sec. 9. That the said stockholders, together with the said James B. Husbands, James Campbell, John F. Harris, and Berry Hodge, and their successors, shall compose the body corporate hereby incorporated, by the name and style of the Paducah Cotton Factory Company.

Preamble. Whereas, J. C. Johnston, Andrew Buchanan, Wm. Prather, Simeon S. Goodwin, Geo. W. Meriwether, Geo. C. Gwathmey, J. W. Anderson, Levi Tyler, Nathaniel Wolf, W. F. Bullock, Jno. I. Jacobs, W. & C. Fellowes, Wm. Garvin, E. G. McGinnis, Jacob Keller, James Anderson, Thos. E. Wilson, M. Kennedy, S. Snead, Phil. R. Thompson, Thos. J. Read, Henry Pirtle, W. A. Moffett, and others, by their petition to the Legislature, pray to be incorporated as a "Coal Company," for supplying Louisville with a good and cheap quality of coal, from the mines of Kentucky—therefore,

**Louisville coal
company.** Sec. 10. *Be it further enacted*, That J. C. Johnston, Andrew Buchanan, Wm. Prather, Simeon S. Goodwin, Geo. W. Meriwether, Geo. C. Gwathmey, J. W. Anderson, Levi Tyler, Nathl. Wolf, W. F. Bullock, John I. Jacobs, W. & C. Fellowes,

**Corporators
names & style
of company.** Wm. Garvin, E. G. McGinnis, Jacob Keller, Jas. Anderson, Thos. E. Wilson, M. Kennedy, S. Snead, Phil. R. Thompson, Thos. J. Read, Henry Pirtle, W. A. Moffett, and such others as are now, or hereafter may be associated with them for the purpose of supplying the City of Louisville with Coal, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and name, for that purpose, by the name of the "Louisville Coal Company," and by that name they and their successors and assigns, shall and may have and continue succession, and be persons in law, capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors, may have a common seal, and make and change and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any estate, real and personal, for the use of the corporation.

**Corporate pow-
ers.** Sec. 11. *Be it further enacted*, That the capital stock of said incorporation, shall not exceed two hundred thousand dollars, and that subscriptions to the capital stock, under the directions of the President and Directors, to be opened until the number of shares subscribed shall be sufficient, in the opinion of a majority of the Directors, to commence the business contemplated by the act, and each share in said corporation shall be twenty five dollars.

**Capital stock
and subscrip-
tions to.** Sec. 12. *Be it further enacted*, That the stock, property, President and affairs and concerns of said corporation, shall be managed

and conducted by not less than eight nor more than twelve Directors, one of whom to be President, who shall hold their office for one year, from the first Monday of February in every year, and that the said Directors shall be elected on the first Monday in February in every year, at such time of the day, and at such place as the majority of the Directors, for the time being, may appoint; and public notice shall be given by the Directors, not less than fifteen days previous to the time of holding such election, by an advertisement to be inserted in at least two public newspapers printed in the City of Louisville; said election shall be made by such stockholders of the corporation as shall attend for that purpose, in their proper person or by proxy, and all elections shall be by ballot, each share of stock having one vote, up to ten shares, and one vote for every other ten shares that any stockholder may hold, and the persons, not less than eight or over twelve, who shall have the greatest number of votes at an election, shall be Directors; and the said Directors, as soon as may be after the election, shall proceed, by ballot, to elect a President; and if any vacancies should at any time happen among the Directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons, as the remainder of the Directors for the time being, or a majority of them may appoint; the first Directors shall be J. C. Johnston, Wm. Prather, J. W. Anderson, W. G. Taylor, Geo. C. Gwathmy, M. Kennedy, Chas. R. Ferguson, Jno. I. Jacobs, R. Somerby, Levi Tyler, W. Fellowes, Thomas L. Caldwell, and shall hold their office until the first Monday in February, 1845.

Sec. 13. *Be it further enacted*, That it shall be lawful for the President and Directors of the corporation, or a majority of them, to call and demand of the stockholders respectively, all such sums by them subscribed, in such manner, at such times, and in such proportions as they shall deem fit, on pain of forfeiture of their shares and all previous payments thereon, to said corporation, always at least giving thirty days' previous notice of such call and demand in the public newspapers, to be published as aforesaid.

Sec. 14. *Be it further enacted*, That in case that it should at any time happen, that an election of Directors should not be made on the day pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be prescribed by the by-laws and ordinances of the corporation; and the President and Directors for the time being, shall continue in office until others are elected.

Sec. 15. *Be it further enacted*, That a majority of the Directors, for the time being, shall form a Board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and

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Directors to control and manage business. Term of office and election of.

Number votes regulated.

Vacancies how filled.

First Directors. Term of office.

Directors to call on stockholders to pay stock subscribed.

Corporation not dissolved if election is not held on day fixed, but another day may be fixed, &c.

By-laws may be made.

1844Officers, agents
&c., may be
employed.Price at which
coal may be
sold.Transfer of
stock, how
made.

regulations, not repugnant to the constitution and laws of the United States and of this State, as to them appear needful and proper, touching the management and disposition of the stock, property, state, and effects of said corporation, the duties and conduct of the officers, Clerks, Agents, and servants employed therein, the election of Directors and such other matters as appertain to the concerns of the Institution, and shall have power to employ so many officers, Clerks, Agents, and servants for carrying on the business of the corporation, with such salary and allowances as to them shall seem meet.

Sec. 16. Be it further enacted, That the said company shall not, at any time, ask of or receive from the citizens of Louisville, more than two dollars and fifty cents a ton for coal, and in that proportion for a greater or less quantity, net weight, or more than nine cents per bushel for screened or clean coal.

Sec. 17. Be it further enacted, That no transfer of stock shall be valid or effectual, until such transfer shall be made and entered in the books kept by the President and Directors, or by such officer or officers appointed by them for that purpose.

Sec. 18. Be it further enacted, That said company or corporation is hereby prohibited from purchasing or owning any real estate, or prosecuting the business of coal mining on the waters of the Kentucky river.

Sec. 19. The Legislature reserves the power to amend or modify, or repeal the three foregoing charters or acts of incorporation.

Sec. 20. Be it further enacted, That these corporations shall be limited to twenty years.

Approved, March 2, 1844.

CHAPTER 359.

AN ACT for the benefit of Enoch S. and Sarah Tabor.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Sarah, wife of Enoch S. Tabor, now stands indicted in the Anderson Circuit Court, for an assault and battery on the person of Martha Tabor, and that owing to the prejudices of the people of said county against said Sarah and her husband, she cannot obtain a fair and impartial trial in said court—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the calling of said indictment, and upon the appearing of the said Sarah at the bar of said court, in shall be lawful for her to elect to be tried in the Nelson Circuit Court.

Sec. 2. That in case said Sarah shall elect to be tried in the Nelson Circuit Court, it shall be the duty of the Anderson Circuit Court to take recognizance of bail of said Sarah, to

May elect to
be tried in
Nelson.Recognizances
to be taken,
&c.

appear and answer said indictment in the Nelson Circuit Court, and on her failing to give bail, to make such order as may be necessary for committing her to the jail of Nelson county, to answer the prosecution; and it shall be the duty of the Nelson Circuit Court to take cognizance of said prosecution, in the same manner and subject to the same rules and regulations of law, as though the alledged offence had been committed in the county of Nelson; and upon the trial of the same, the Court shall have power to pronounce judgment and cause the same to be executed.

SEC. 3. In case the change of venue be ordered as aforesaid, the Clerk of the Anderson Circuit Court shall make out a full and complete transcript of the record in said case, which, together with all the papers on file in said case, he shall transmit to the Clerk of the Nelson Circuit Court, by the Sheriff of his county, taking his receipt for the same, which duty said Sheriff shall forthwith discharge.

SEC. 4. That the Clerk of the Nelson Circuit Court, after having received the said records and papers, shall have full power to issue subpœnas, attachments, and all other process which may then or thereafter become necessary for the trial of said indictment.

SEC. 5. That the witnesses attending the Nelson Circuit Court, under process or recognizance in said case, shall be allowed the same compensation as though the case had originated in Nelson county.

SEC. 6. The Anderson Circuit Court shall, upon ordering the change of venue, order the witnesses, as well for the defendant as for the Commonwealth, to be recognized to appear in the Nelson Circuit Court to testify in the case.

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Nelson Circuit
Court to take
cognizance of
the indict-
ment.

Clerk Ander-
son to trans-
mit papers &c.

Clerk Nelson
to issue pro-
cess, &c.

Witnesses
pay.

Witnesses to
be recognized.

Approved, March 2, 1844.

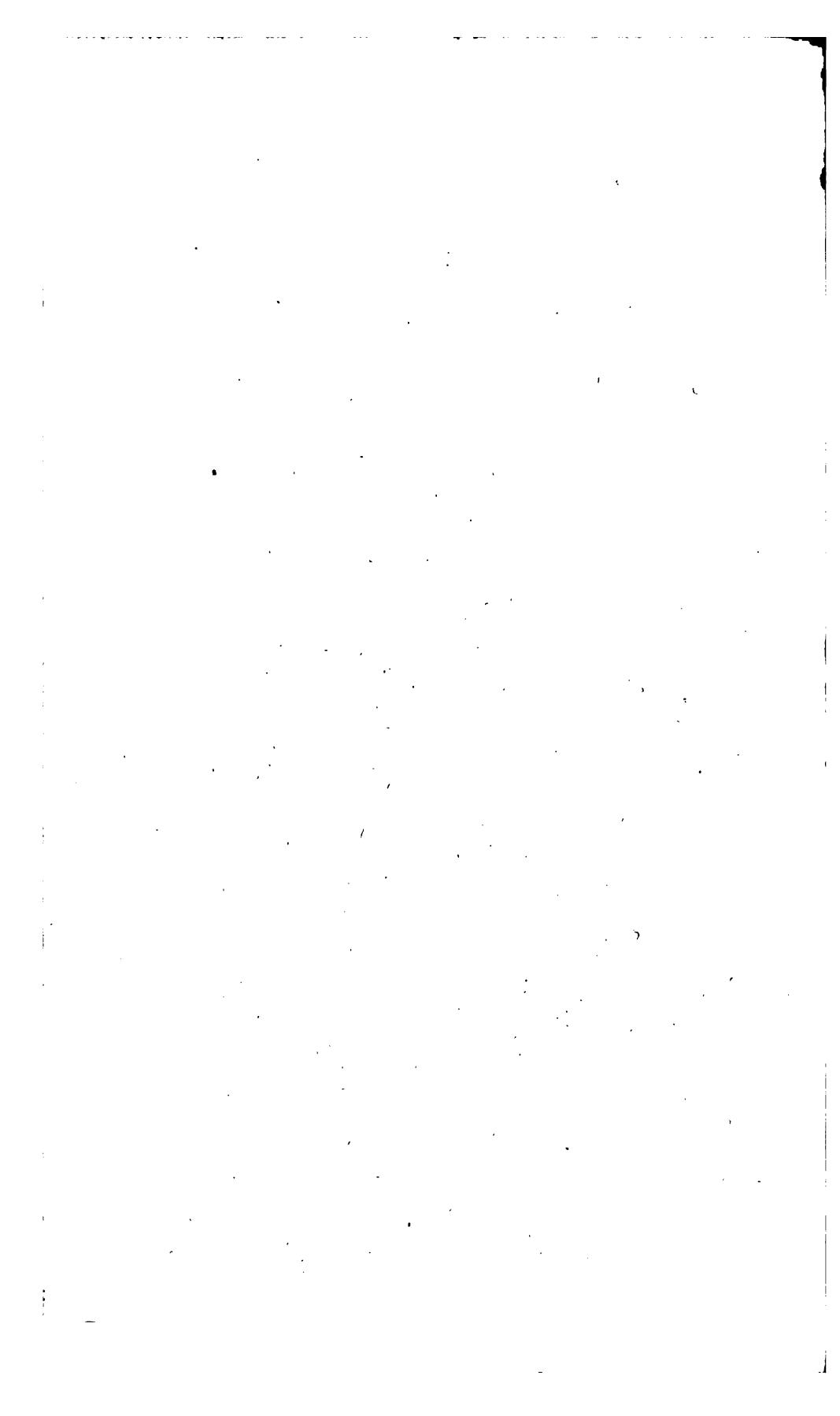
CHAPTER 363.

AN ACT for the benefit of William DeCoursey.

WHEREAS, it is represented to this General Assembly, that while William DeCoursey was in the faithful discharge of his duty as an Agent of the State, he was robbed of one hundred and ninety five dollars—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement is hereby empowered and required to investigate said claim, and to allow said claim or any part thereof, if in their opinion, upon a full investigation thereof, it shall appear just and proper to do so; and if they shall be of opinion said claim, or any part thereof, should be paid, they shall certify the same to the Second Auditor, who shall issue his warrant on the Treasurer therefor, in favor of said DeCoursey.

Approved, March 2, 1844.



RESOLUTIONS.

No. 1.

A RESOLUTION for the burning of State bonds.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the one million seven hundred and fifty thousand dollars of five per cent State bonds, which were held by the Northern Bank of Kentucky and Bank of Kentucky, and which have been surrendered by said Banks to the Executive, in compliance with the 17th and 18th sections of the act passed at the last session of the General Assembly, entitled, "an act to extend the charters of the Banks of Kentucky," which bonds have been cancelled and deposited in the Frankfort Branch Bank of Kentucky, shall be re-counted by the Executive, Secretary of State, Treasurer, and Second Auditor, and a committee of two members of the Senate and four from the House of Representatives, and by them destroyed by *burning*, on the 10th day of January, instant.

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Approved, January 10, 1844.

No. 2.

RESOLUTIONS to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three members of the Senate and five of the House of Representatives, be appointed to examine the Transylvania University and the Lunatic Asylum, and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

Resolved, That for these purposes, the committee shall have power, (should it be deemed necessary,) to send for persons, papers, and records.

Approved, January 10, 1844.

No. 3.

RESOLUTIONS directing certain inquiries to be made of the Banks by the Committee on Banks.

WHEREAS, it is essentially important that the people of this State shall be well informed as to the condition, and as far as practicable, the future operations of the Banks chartered by the General Assembly, as their prosperity is essentially con-

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nected with the extent of their loans, as well as the calls which may be made upon their debtors during the present year—therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That the committee on Banks, be, and they are hereby instructed to inquire whether the Bank of Kentucky, the Northern Bank of Kentucky, and the Louisville Bank of Kentucky, or either of them, have failed to comply with the terms and conditions of the act passed at the last session of the General Assembly, restoring their charters; that they also enquire of the President and Directors of said institutions, the amount of loans made by each of the said Banks, on business and accommodation paper, as well as bills of exchange, since the passage of said act; what amount they have since loaned to each county in the State, what per cent. they have called in upon the amounts so loaned, and whether they have re-loaned the amount of that per cent. when withdrawn by them from circulation.

2. *Resolved,* That the said committee also inquire of the said President and Directors, whether or not the said Banks will be willing to lessen their calls upon the amounts loaned out by them under the said act of the General Assembly; to extend the time of making such calls, by the borrowers renewing their bonds or notes, with good and sufficient endorsers, or whether they intend rigidly to enforce a call of twenty per cent. on their debtors, as they are allowed to do under said act, and that if they are disposed to extend the period of making said calls, or to lessen the same; that the said committee is hereby instructed to ascertain upon what terms and conditions it can be accomplished.

3. *Resolved,* That they also ascertain from the said President and Directors, whether or not it is their intention, in good faith, to continue in circulation the said amounts which they now have out; whether they could not safely increase that circulation, or whether they intend to diminish it.

4. *Resolved,* That said committee inquire whether the said Banks, or either of them, have at any period during the last twelve months, employed any portion of their funds out of the State, in the purchase of bills of exchange or otherwise; if so, to what amount; and how has the same been engaged?

5. *Resolved,* That it be the duty of said committee, to inquire what amount of State Bonds the said Banks, or either of them hold, and upon what terms and conditions they are held; also, the amount of stock held by the State in either of said institutions, and of what it consists.

6. *Resolved,* That they also inquire the amount of stock purchased by the Bank of Kentucky, and which was fraudulently issued by the Schuylkill Bank, and the amount of said fraudulent stock yet outstanding and not acknowledged by said Bank.

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7. Resolved, That the said committee have full power to call upon the officers of said Banks, for all such information as is directed by the foregoing resolutions; that they have power to examine the books and other papers of said Banks, to ascertain their true condition, and that they report to the General Assembly, the result of their inquiries.

Approved, January 20, 1844.

No. 4.

RESOLUTIONS in relation to a Digest of the decisions of the Supreme Court of the United States.

WHEREAS, in the opinion of this Legislature, an enlightened judiciary is one of the greatest safeguards to liberty, and all the blessings of a free government, and as the constitution of the United States, the acts of Congress, and treaties made by authority of that constitution, are binding, when made under the authority of that constitution, and as the decisions of the Supreme Court of the United States, on all questions involving the expositions of the constitution, and all treaties and acts of Congress is binding authority in all the inferior tribunals of the United States, and on all the judicial tribunals of the States—therefore,

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That a more general diffusion of the decisions of the Supreme Court ought to be provided for by law.

2. Resolved, That as the decisions of said court are voluminous and cannot now be procured but at great expense, (if at all,) that it is expedient that a Digest of said decisions should be prepared by some competent person, at the public expense.

3. Resolved, That such a Digest, so prepared, should be published at public charge, and distributed amongst all the judicial officers of the United States, and appellate Judges, and Judges of courts possessing general jurisdiction in the several States of this Union.

4. Resolved, That the Governor of this Commonwealth be requested to furnish the President of the United States with a copy of these resolutions, with a request that he lay before each house of Congress a copy thereof.

Approved, January 27, 1844.

No. 5.

A RESOLUTION directing the committee on Banks to receive certain scrip from the Northern Bank at Lexington.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on Banks, whilst on their visit to Lexington, be instructed to receive from the Northern

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Bank of Kentucky, the scrip now in their possession, which has been paid by giving bonds in their place, and that they bring said scrip to Frankfort, for the purpose of having the same burned.

Approved, January 27, 1844.

No. 6.

PREAMBLE AND RESOLUTIONS in relation to the reduction of Postage.

WHEREAS, from the present exorbitant rate of postage on letters, periodicals, journals, &c. the facilities which were intended to be afforded to the citizens of the United States by the mails, are to a very considerable extent, denied them: And whereas, we believe if a reduction should be made, that it would not only be of vital interest and importance to the American people, but would also increase the revenue of the Post Office Department—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested, to use every means in their power to bring about such a reduction as to them shall seem just and reasonable.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolution.

Approved, February 9, 1844.

No. 7.

PREAMBLE AND RESOLUTIONS in relation to the Inspection and classification of Tobacco.

WHEREAS, it is represented to the General Assembly of Kentucky, that great injury is sustained by the growers of Tobacco in this Commonwealth, by reason of the law of Louisiana, regulating the inspection of that article, in the port of New Orleans. This law requires that when inspected, it shall be put into three distinct classes; and custom has made a difference of from one to three dollars, between the first and second classes, and the same difference between the second and third, when in truth, there is little or no difference in the quality, which can be detected by the strictest scrutiny of the purchaser; this fact has been amply demonstrated by removing the slip of paper on which is inscribed the class, according to the Inspector's judgment, and thus presented to the purchaser—wherefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Legislature of Louisiana be respectfully requested to take under consideration the law regulating the inspection of Tobacco at New Orleans, and so amend it

as to have the hogshead and net Tobacco weighed separately, so that in future the Inspectors be required to pass all Tobacco inspected by them, as it may be deemed merchantable or not, and thus obviate the difficulty arising from the law requiring a classification.

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Resolved further, That the Governor of this State forward a copy of the foregoing preamble and resolution to his Excellency, the Governor of the State of Louisiana, with a request that he will communicate the same to the Legislature of that State.

Approved, February 13, 1844.

No. 8.

A RESOLUTION for destroying certain Railroad and Internal Improvement scrip.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the ninety two thousand dollars of Railroad scrip, and the one hundred and twelve thousand dollars of Internal Improvement scrip which was received by the joint committee on Banks, from M. T. Scott, Cashier of the Northern Bank of Kentucky, and which has been cancelled and deposited in the Frankfort Branch of the Bank of Kentucky, shall be recounted by the joint committee on Banks, and by them destroyed, by burning, on the 13th day of February, instant in the presence of the Executive, Secretary of State, Treasurer, and Second Auditor.

Approved, February 13, 1844.

No. 9.

A RESOLUTION fixing a day for the election of Public Officers.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 24th day of February, proceed, by joint ballot of both houses, to the election of the Public Officers of this State.

Approved, February 23, 1844.

No. 10.

PREAMBLE AND RESOLUTIONS in response to certain Resolutions of the Massachusetts Legislature, relative to an amendment to the Constitution of the United States; and, also, Preamble and Resolutions in relation to the admission to seats in the House of Representatives of Congress, of persons not elected according to law.

The committee on Federal Relations, to whom was referred certain resolutions of the State of Massachusetts recommending a change in the Constitution of the United States, whereby the basis of representation would be changed so as to exclude the representation now allowed a portion of the

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States in consideration of the slave population, have had the same under consideration, and beg leave to report: That they believe any interference by the General Government itself, or by any of the States in their individual capacity, upon a subject so vitally important to a large portion of the States of this Union, would not only tend, by its agitation, to weaken the bonds of union that now hold them together, but that any effort to carry these views out would most undoubtedly dissolve the union of the States—Therefore,

Resolved, That this General Assembly do but express the opinion of the people of the State of Kentucky, when they dissent totally from the whole object of the resolution that has been presented to us, and that they will feel it their duty to resist any effort that shall be made directly or indirectly to change the established basis of representation.

WHEREAS, by the sole action of the House of Representatives of the Congress of the United States, the second section of the act of Congress for the apportionment of representatives among the several States, according to the sixth census, has been declared null and void, and the good people of this Commonwealth having a deep and abiding interest, not merely in the maintenance of the validity of that section, but in the power of Congress to adopt it, and there being no appeal from, or revision of, the decision of the House of Representatives but at the great bar of national public opinion, we deem it our duty to make that appeal, and in behalf of the people of Kentucky, to make the most solemn and formal protest against the recent action of that House on this subject.

The second section of the act which the House of Representatives has thus attempted to annul, provides, that representatives in Congress shall be elected by *single* districts, composed of contiguous territory. The necessity of this provision on the part of Congress had become not merely obvious, but very urgent. Further delay in the exercise of this necessary and important power would have put in extreme peril the permanency of the fundamental structure of the General Government. The whole theory of the Constitution clearly demonstrates that the States, in their aggregate or corporate capacity, were to be represented, *as States*, in the Senate, whilst the people were to be represented in the other House, *as one nation*, on fair principles of popular representation. What was considered a fair popular representation by the framers of the Constitution, may be learned from the practice in the election of members to the various State Legislatures at the period of its adoption, from the election of members of the Colonial Legislatures and of the English House of Commons; as also, from all contemporaneous exposition and discussion. None of these sources of information authorize the presumption, that it was at all within the contemplation of the framers of the Constitution that the principle of a fair popular representation could be secured by a general

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ticket system, requiring the whole population of a State, amounting to three or four millions, to vote for an entire delegation, consisting of thirty or forty members. On the contrary, they all imply that the principle of fair popular representation requires such a subdivision of the constituent body as will bring the representative as near as may be within the personal acquaintance of those he represents, and subject him to an available accountability. They also all strongly imply, that the true principles of Republican Government require that minorities, among political parties in a State, should have some chance of a voice in the national councils. The wise founders of our institutions did not lack the sagacity to perceive the great importance, as well to the majority as the minority, of having the conduct of those to whom the people's rights were confided, watched and reported on by one or more vigilant and interested sentinels from the opposing party.

This equal, just and truly republican principle of representation had been not merely violated, but that equipoise of the whole Constitutional fabric which is based upon it, had been put in peril by the action of several of the States. Six of them had already adopted the general ticket system, thereby giving to some of the smaller States more actual strength in the councils of the nation than the largest States. This gross inequality and injustice had justly become the subject of general comment and complaint. It induced, some years back, the serious agitation of the question in our own Legislature, as to the propriety of adopting the general ticket system; and nothing but deference to the sanctity due even to the inferential theory of the Constitution prevented the dominant party from remedying the injustice, as to our State, by seizing the political party advantage which would have ensued from that system. Its adoption by one such State as Kentucky, in the heated temper of the public mind at that time, would have insured its speedy adoption, on plain principles of justifiable self-defence, by every other State in the Union. Once adopted by the large States, all chance for correcting the evil, either by Constitutional amendment or Congressional Legislation, would have been lost forever, and there would have ensued a most pernicious, radical and irremediable revolution in the whole structure of the Government.

In view of this peril, and in avoidance of this great national calamity, Congress acted in prescribing the district system. The act received not merely our hearty approval, but we had supposed that, as was its due, it had met with the great sanction of the national approbation. It rested for its validity on the plainest and most indisputable of the undoubted powers of Congress, and on a policy whose wisdom was conceded even by those who opposed the passage of the law. Self-respect, not that which may be supposed to be due to those who are abusing the powers of a co-ordinate depart-

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ment of the government, induces us to forbear from a full expression of the surprise, the alarm, the indignation we felt at finding a majority of the House of Representatives daring to treat this law as a nullity; so treating it too, under circumstances calculated to induce the suspicion, that it is done for the purpose of accomplishing a party advantage, and on reasons so flimsy, as not to be worthy of the designation of plausible pretexts.

In seeking for these reasons we have gone to what may be deemed the highest authority, the report of the committee to whom the subject was referred, upon whose recommendation the House acted, and who have, no doubt, brought into requisition, for the purpose of glossing over the proceeding, all the most plausible pretexts that could be invented. The question as to the power of Congress to pass this act, depends on the proper construction of the following clause of the Constitution:

"The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State, "by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the "places of choosing Senators." There needs no juster comment on this section than the following, taken from the report of this committee.

"It will be observed that the two clauses of this section differ materially in the tone in which they address the different governments. The one is *commanded* and the other *permitted* to act. The State Legislature *shall* prescribe "the times, places and manner of holding elections; Congress "may make or alter such regulations. An imperative duty "rests upon the State Legislatures, whilst a mere privilege is "granted to Congress. If the Legislatures of the States fail "or refuse to act in the premises, or act in such a manner "as will be *subversive of the rights of the people and the principles of the Constitution*, then this conservative power interposes, and, on the principle of self-preservation, authorizes Congress to do that which the State Legislatures "ought to have done."

Holding, as we do, that the general ticket system is *subversive of the rights of the people and the principles of the Constitution*, the occasion had occurred which called for the exercise of this discretionary power, by Congress, to put an end to that system. This opinion is not controverted by the committee and cannot be successfully controverted by any one. As the Constitution confers on Congress the power to substitute an entire system of its own, or merely to *alter* that of the States, the inference is irresistible, that Congress may, at its own discretion, legislate upon a part only, without engrossing the whole subject. This is so obvious that the committee has not even ventured to deny it, but fully admits it in this unambiguous language:

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"It does not necessarily follow that Congress is compelled to exert all the power conferred in that section, or refrain from exercising every portion of it. We insist upon no such principle. Congress may prescribe the time, the place, "the manner or either of them, in its discretion." But say the committee further, "if it attempts to control the time, it must designate the day by law, and so with each other branch of the subject. Whenever Congress assumes the power over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures." The committee also admits that, "so much of the power as shall not be embraced in the legislation of Congress, the Constitution makes it the imperative duty of the States to carry into effect."

Having conceded that Congress may legislate upon a part, without exercising the whole power, by what principle or rule of construction does the committee make the broad and bold assumption, that if Congress assumes the power over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures? The Constitution does not say so, but leaves it entirely in the discretion of Congress to exert the whole or any part, however large or small, of the power conferred, and at the same time makes it the imperative duty of the State Legislatures to supply any deficiencies. "Congress may alter such regulations," says the Constitution. Which regulations? The whole or any. How alter them? In whole or in part. The power wholly to change or abolish must necessarily include the authority to modify in any, the smallest particular. The greater must, in the nature of things, include the less. If Congress be authorized to alter the regulations adopted by the States, as the committee is constrained to admit, that authority must of necessity embrace the power to adopt the slightest modifications of those regulations which the wisdom of Congress may suggest. It may alter the time in part, the places in part, and the manner in part; either or all. Any such partial alteration necessarily leaves the remainder of the subject to be acted on by State Legislation. To prescribe the whole mode of electing representatives is the entirety of the subject, over any and every part of which Congress has discretionary control. In the exercise of that control there is no limitation; it is not confined to any arbitrary classification or subdivision of the whole, as times, places and manner, but may exert just so much of its authority as it may deem fit. If it touches the subject at all, it is as much bound to carry out the whole subject and leave nothing for State legislation to fill up, as it is to carry out that particular part which it does touch. There is nothing in the language of the Constitution, or the nature of the subject requiring or authorizing a distinction between them. Thus, Congress may say, that all the elections shall be held in

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the month of November, or in any week of that or any other month, without designating on what particular day of the week or month, or whether the election shall be held on one only or on several days. So it may say, that every voter shall vote in the county in which he resides, without designating at what particular place or places in the county the election shall be held; or that the election shall be held by general ticket or by single districts. Each of these alterations of existing modes is as much within the competency of Congress as either of the others, or any that can be devised; they all alike requiring State Legislation to carry them out and make a complete mode of election. Indeed there is no conceivable mode of partial legislation on this subject by Congress, which can "execute itself" in the sense of the committee. With the forced concessions of the committee, it is not even open to dispute, that Congress has the power to declare that all the elections shall be held by general ticket. Yet such a law could no more execute itself than the present one. There would still be many necessary provisions which would have to be added by State Legislation; such as, by whom the elections should be held, how the votes should be given, what evidence of the qualifications of voters should be admitted, how returns should be made, &c., &c. The States could with as much propriety in the one case as the other say, that as Congress had undertaken to interfere in the matter, let it perfect its own legislation, we will not submit to its mandate to finish by our legislation its incomplete work. The unavoidable concession being made, that Congress may legislate in part, leaving the remainder of the subject untouched, it is worse than ridiculous to contend that it is not necessarily and entirely within its discretion how much shall be left for State Legislation, or that there are particular parts of the subject which may be left to such legislation, whilst there are others that cannot be so left. There being however no manner of partial Congressional Legislation which can "execute itself," the argument of the Committee is reduced to the palpable absurdity of admitting a power, but denying that it can be exercised.

So far from there being any incongruity growing out of the nature of the subject in this partial exercise of its power by Congress, leaving the remainder to be exerted by the States, there are a peculiar fitness and propriety in its so acting, which strongly persuade us to believe that such was the intention of the framers of the Constitution. Every principle of justice and equality inculcates that, whatever be the mode, whether by single districts or general ticket, the system should be uniform throughout the Union. Mr. Madison, who, more appropriately than any other man, may be termed the Father of the Constitution, declared in the Virginia Convention, that one of the leading objects of vesting this power in Congress was to produce uniformity in the mode of election. This uniformity, whether by single districts or general ticket, can be

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produced by Congressional Legislation only. It cannot be effected by State Legislation, because of the improbability, not to say impossibility, of twenty six different States voluntarily and without concert adopting the same measures. Yet of the two, State Legislation is much the most appropriate for laying off the districts. Indeed, except in the case of a State wilfully neglecting to form districts for itself, it would be an abuse of this discretionary power for Congress to undertake to form the districts. The local information necessary to the correct performance of that duty would be measurably confined to the sitting members from each State, and they are precisely the persons to whom such a power should not be confided, as they would have the greatest personal interest in the adjustment of the question. It has already been sufficiently ascertained that the local Legislatures, with all the direct and immediate responsibility of their members to the people, are not only not free from the bias of partyism, but that they are actually controled by that influence in the adjustment of such questions. It is much to be feared, that in Congress the formation of districts would be made solely with a view to party advantage, the majority of those making them being free from any direct responsibility to those more particularly affected by them. Whilst one political party has an undoubted majority of fifteen thousand votes in this State, it is nevertheless true that a set of districts might be formed in Congress which would give to the opposite party two-thirds or three-fourths of our Congressional delegation. This too could be done on the information and at the instigation of some of the delegation, whilst they would screen themselves from responsibility, by publicly voting against such a law. Whether the present majority of the House would be capable of perpetrating such an outrage for party purposes, we are not called upon to say. But we are free to declare, that their recent conduct, in regard to the subject under consideration, affords any thing but a guaranty that they would not. Be that however as it may, for many obvious reasons, the people will never consent, except in cases of absolute necessity, that Congress shall exercise the power of laying off the districts. The power must therefore forever remain a mere dead letter, and never be brought into practical exercise, except in the manner it was used in the last Congress; and, if that mode of its use be surrendered, the general ticket system must become the universal system in a few years. If the question were now to be settled *de novo*, all men would concur in the opinion, that Congress ought to have the power of producing uniformity, by declaring that the elections should be held by districts, and that the States ought to have the power of laying off the districts. There is, therefore, as already said, a natural fitness, instead of any incongruity, in this mode of exercising the power. The contrary assumption is authorized by neither the language nor the spirit of the Con-

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stitution, and is based upon nothing that can be perceived but the urgency of the necessity for some pretext to justify the course resolved on.

But, the committee says, Congress has no power to issue a mandamus to the States, commanding what legislation they shall adopt. This truism surely did not need the solemn enunciation of a committee of Congress in the absence of pertinency or application. It being conceded, that Congress may may not only entirely change, but alter, in part, the modes of the States, surely the States must be bound to conform to the alteration; for, as the committee says, "so much of the power as shall not be embraced in the legislation of Congress, the Constitution makes it the imperative duty of the States to carry into effect." Congress having the right to exercise the power in part, and having exercised it as far as was deemed proper, the mandate for the after legislation of the States comes not from Congress, but from the Constitution.

The committee, in the absence of all argument drawn from the language of the Constitution, attempts to assimilate this to two other cases, to neither of which does it bear the slightest analogy. First, they say that Congress, by partial legislation on the subject of bankruptcy, could not compel the States to legislate on the remainder of that subject. Certainly not, for the Constitution nowhere says that the States *shall* legislate on any part of that subject; but it does say they *shall* legislate on the subject of the times, places and manner of electing representatives. Second, the committee says, that if Congress should pass a law requiring all the elections to be held on one day, without designating that day, such law would be nugatory, because there would be no certain day to which all the States would conform. This is true, and the analogy would be just, if Congress had said there should be one uniform manner without designating that manner, whether by single districts or general ticket. But in the case under consideration, the manner is designated and a general rule given, to which the States can as easily conform as they could to a particular day.

There is one and but one completely analogous precedent in the whole complex system of our Government, which, though it could not have escaped its attention, is left wholly unnoticed by the committee. The Constitution, after declaring that each State *shall* appoint Presidential Electors in the manner its Legislature may direct, goes on to say that "Congress *may* determine the time of choosing the Electors." In pursuance of this provision, Congress, in 1792, passed an act, that Electors shall be chosen within the thirty four days next preceding the first Wednesday in December, without designating any particular day or days for holding the elections, but leaving it to each Legislature to designate its own day within those limits. This law was passed by the framers of the Constitution, acquiesced in and conformed to by the Legisla-

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tures of all the States; it is in force to this day, and its validity has never been called in question. Here the Constitution left it discretionary with Congress to determine the time of holding the elections; Congress exercised only a part of the power, and, contrary to the rule laid down by the committee, its legislation was not only not complete, but could not "execute itself without the intervention of the State Legislatures," for, if the Legislatures had not intervened to fix a certain day, the law would have been a mere nullity from uncertainty. The parallel between the two cases is therefore perfect, and the astutest intellect cannot detect the slightest available distinction between them. That law was as much in the nature of a mandamus from Congress to the States, commanding them to Legislate upon the subject so as to supply the omission of a precise day for holding the elections, as this can be for forming the required districts. That case is even stronger than this, for it is not absolutely beyond dispute that Congress had a right there to act only on a part of the subject.

As to the value of this precedent and its incontrovertible sanctity, we cannot do better than cite the following language of this same committee: "It is said that in the exercise of doubtful powers under the Constitution, the safest rule of construction is to be found in the practical exposition of the Government itself, in all its various branches and departments, where the practice has been uniform and the acquiescence of the people general. Indeed, it has been judicially determined by the highest tribunal, that in such a case the practice establishes the construction so firmly and inflexibly that the court will not consider the question open for discussion or inquiry. If this rule should be deemed sound and incontrovertible, with what irresistible force does it apply to a case where the practice of the two Governments has been uniform, the one affirming and the other conceding, by every act of legislation, the correctness of this principle, and when the people have yielded a universal acquiescence without a murmur or remonstrance, and have sanctioned it at the polls as often as the period of election has recurred." Tested either by the literal import of the language, by the spirit of the Constitution, or by the only analogous case to be found in our system, it is perfectly clear and free from all doubt, that the power in question belongs to Congress, and has been properly exercised in the only appropriate manner. If the language used in the Constitution in regard to this subject does not confer on Congress the power claimed and exercised in the apportionment act of 1842, then the English language is not capable of conferring such a grant of power in unambiguous terms. That the occasion for its exercise did not sooner occur, or that Congress forbore to exercise it at an earlier day, does by no means establish the fact that the power is not to be found in the Constitution.

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The language of the Constitution is express, that "Congress may, at any time, by law, make or alter such regulations," and of course no lapse of time could, in any degree, impair or lessen the power conferred.

In 1798, when Kentucky was one of the youngest and smallest States of the Union, our fathers took the lead in denouncing the alien and sedition laws as unconstitutional, though they had received the sanction of all the departments of the Federal Government. A greater outrage has now been perpetrated against republican institutions, and a more flagrant violation of the Constitution been consummated by its chosen guardians. Under these circumstances we feel constrained, by a sense of duty to ourselves, to our country, and to posterity, solemnly to protest against the recent action of the House of Representatives of Congress, by which the law and the Constitution have been violated and set at nought; and to call on our sister States to aid us in an appropriate manner to rebuke this most reprehensible and unprecedented conduct: wherefore—

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That the adoption, by a majority of the States, of the general ticket system of electing representatives to Congress, would be subversive of the true republican principle of popular representation, of the theory of the Constitution, and inflict an irremediable national calamity.

2. That at the time of the adoption of the apportionment act of 1842, there was urgent need of the interposition of Congress, by prescribing the district system, to prevent the further spread of a great national evil.

3. That the manner in which Congress did interpose by the second section of that act, was not merely within its undoubted competency, but was in the only rightful manner in which Congress should ever exercise its discretionary power over that subject, except in the case of a State wilfully neglecting to adopt the necessary legislation.

4. That Congress having prescribed the general rule, it is the plain duty of the States, under the imperative mandate of the Constitution, to conform thereto by all needful legislation.

5. That the power in Congress to produce uniformity in the mode of elections, by prescribing the district system as the only mode, is vitally important to the well-being of the republic; and it is the duty of the Senators and Representatives of Kentucky to resist all attempts to annul or abrogate that power, as exercised in the second section of the apportionment act of 1842.

6. That in behalf of the people of this Commonwealth, we do most solemnly protest against the recent action of the House of Representatives in Congress, in nullifying that law, as a flagrant abuse of the power of that House, and an outrageous violation of the Constitution and the law.

7. That the aid of all the States of this Union is hereby in-

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voked to bring down upon that action appropriate censure and correction.

8. That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

1844

Approved, March 1, 1844.

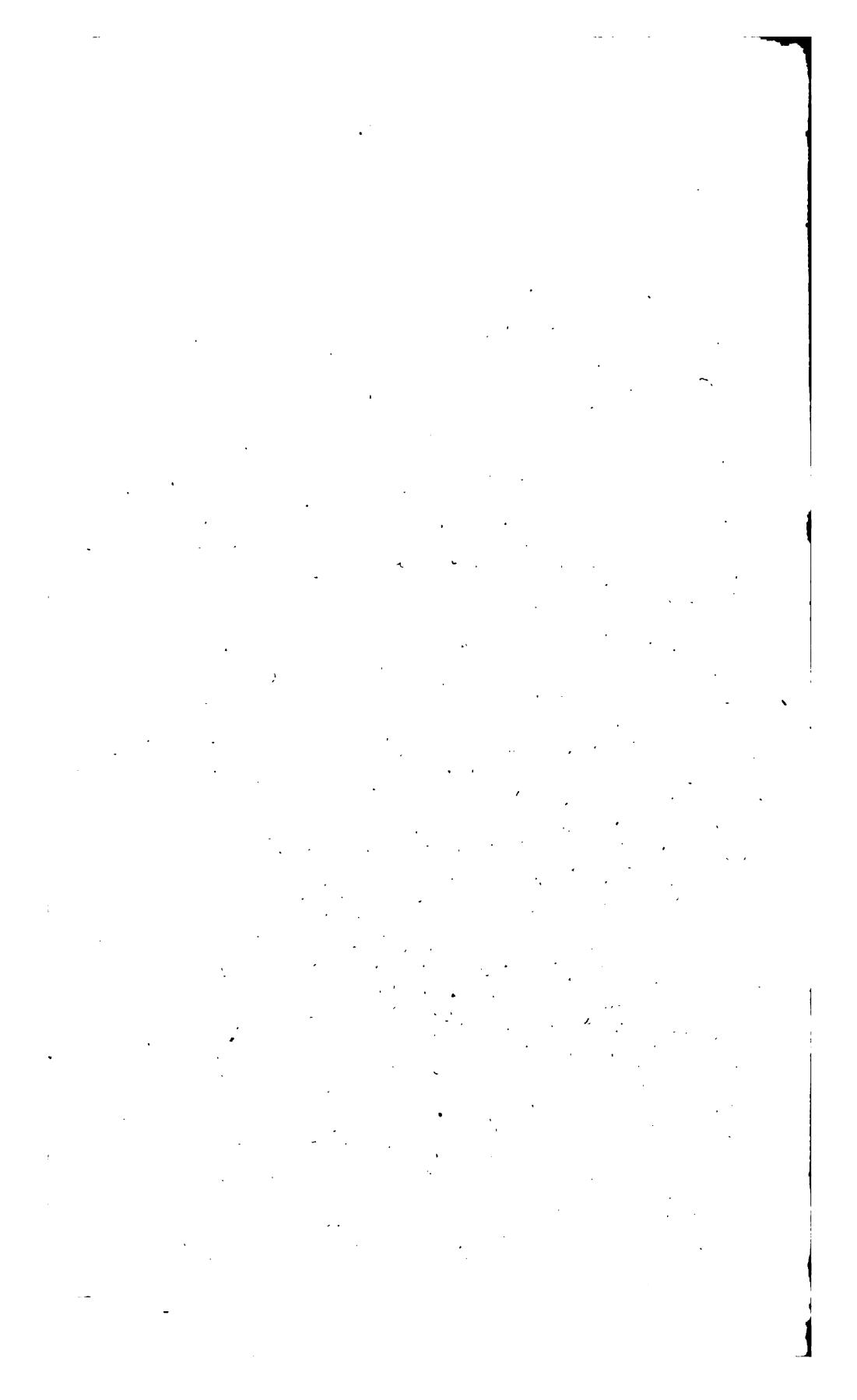
No. 11.

REPORT AND RESOLUTION for the distribution of the Census documents.

The committee on Education, to whom was referred the Governor's message in relation to the Census and Pension documents, transmitted by the government of the United States to the Governor of this State, for distribution, having examined said documents as enclosed in the boxes in which they were sent, have agreed to report the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and he is hereby requested and authorized, after depositing ten sets for the use of the State Library, to send out with the Laws, Journals, &c. of this session, one set of said documents to the Clerk's office of each county in this State, there to be safely kept for the inspection of all those who may desire to do so. He is, also, requested to send one set of said documents to the Lieutenant Governor, and Speaker of the House of Representatives, and to each member of the Senate and House of Representatives of this Legislature, and their principal Clerks; also, two sets to the Transylvania University, and one set to each College established by law, in this Commonwealth, and one set to the Historical Society in the City of Louisville, to be preserved in their respective Libraries. The balance of said documents, after reserving five sets for the offices of the Governor and Secretary of State, shall be deposited in the Public Library of the State, until the further order of the Legislature.

Approved, March 2, 1844.



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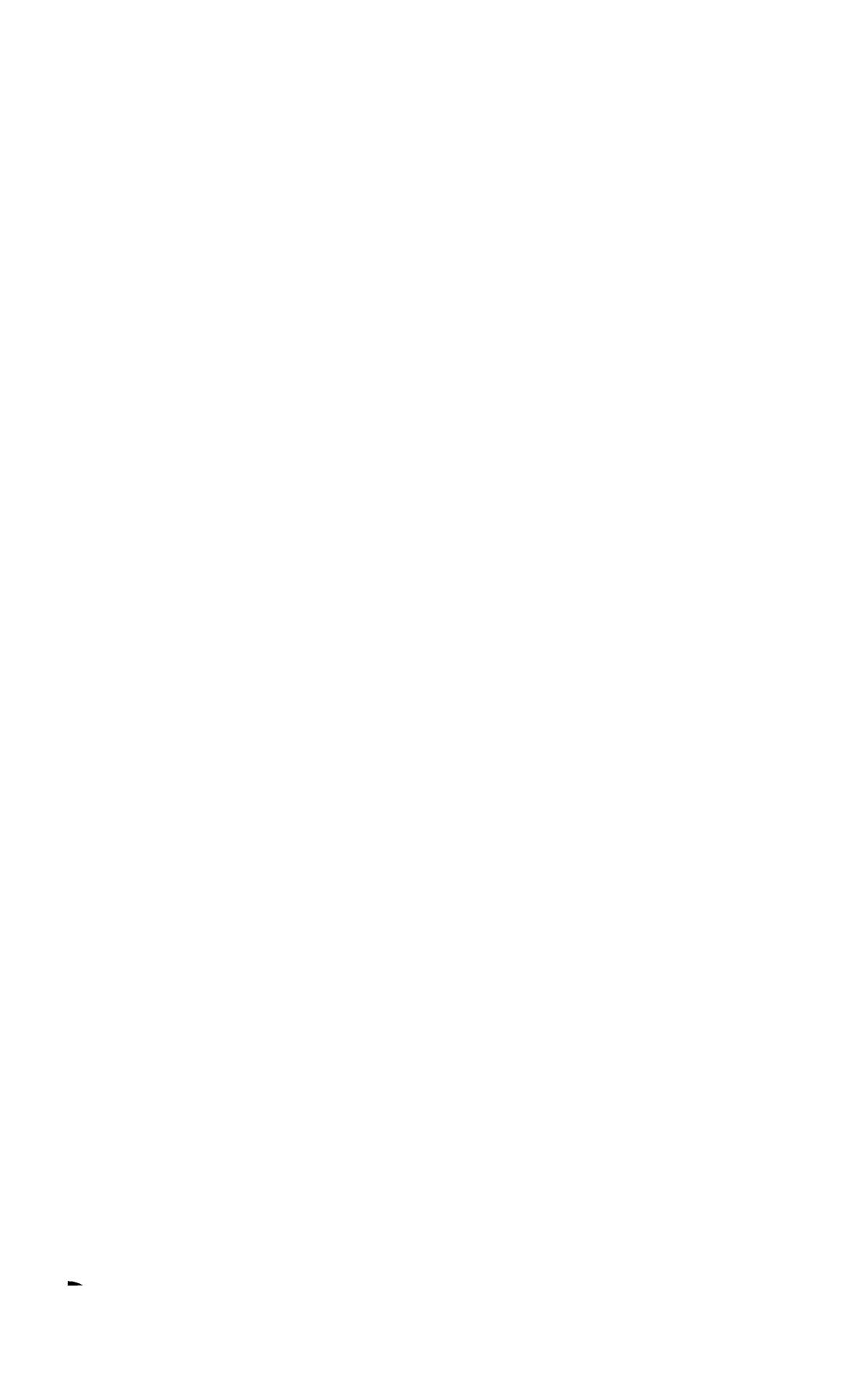
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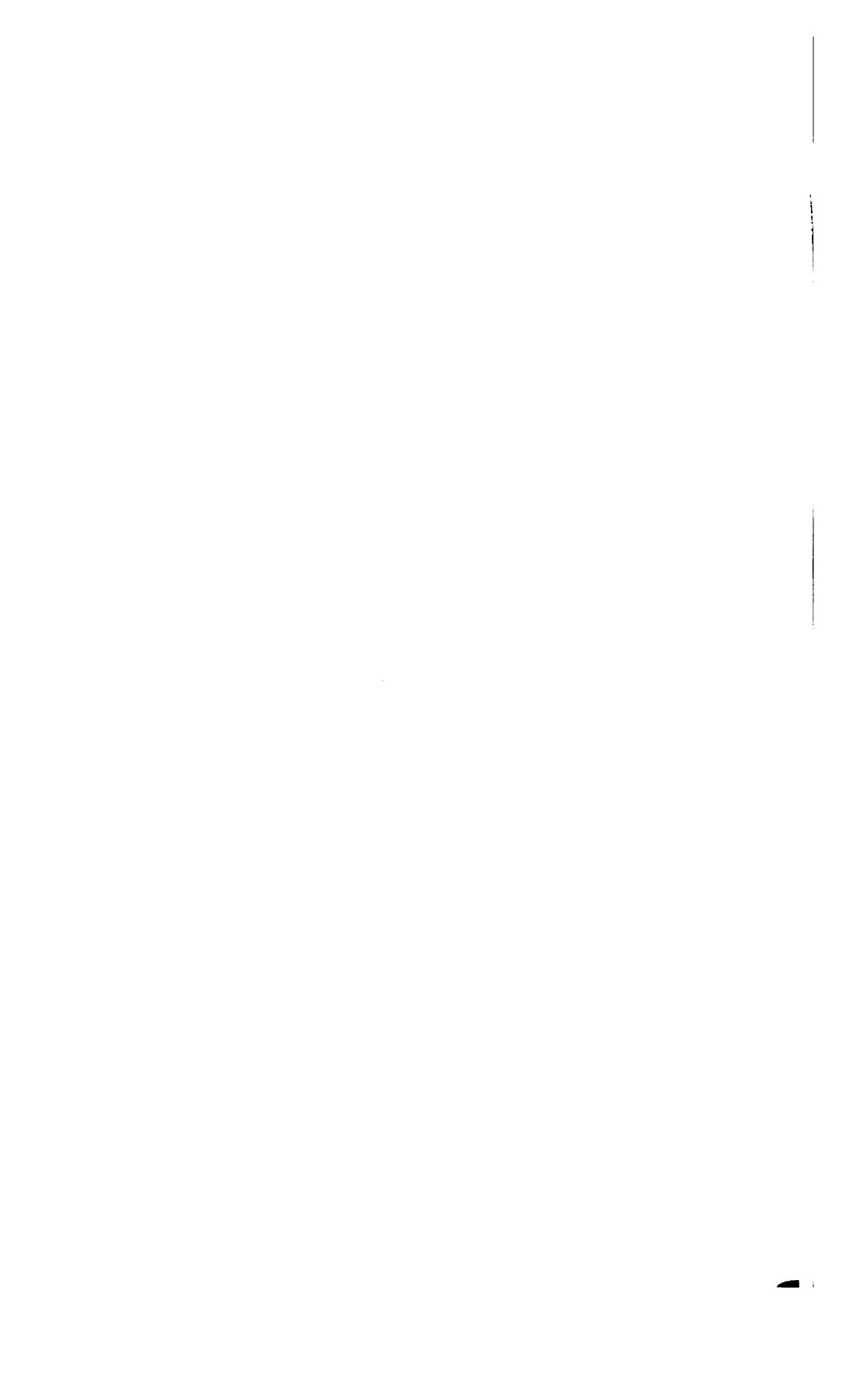
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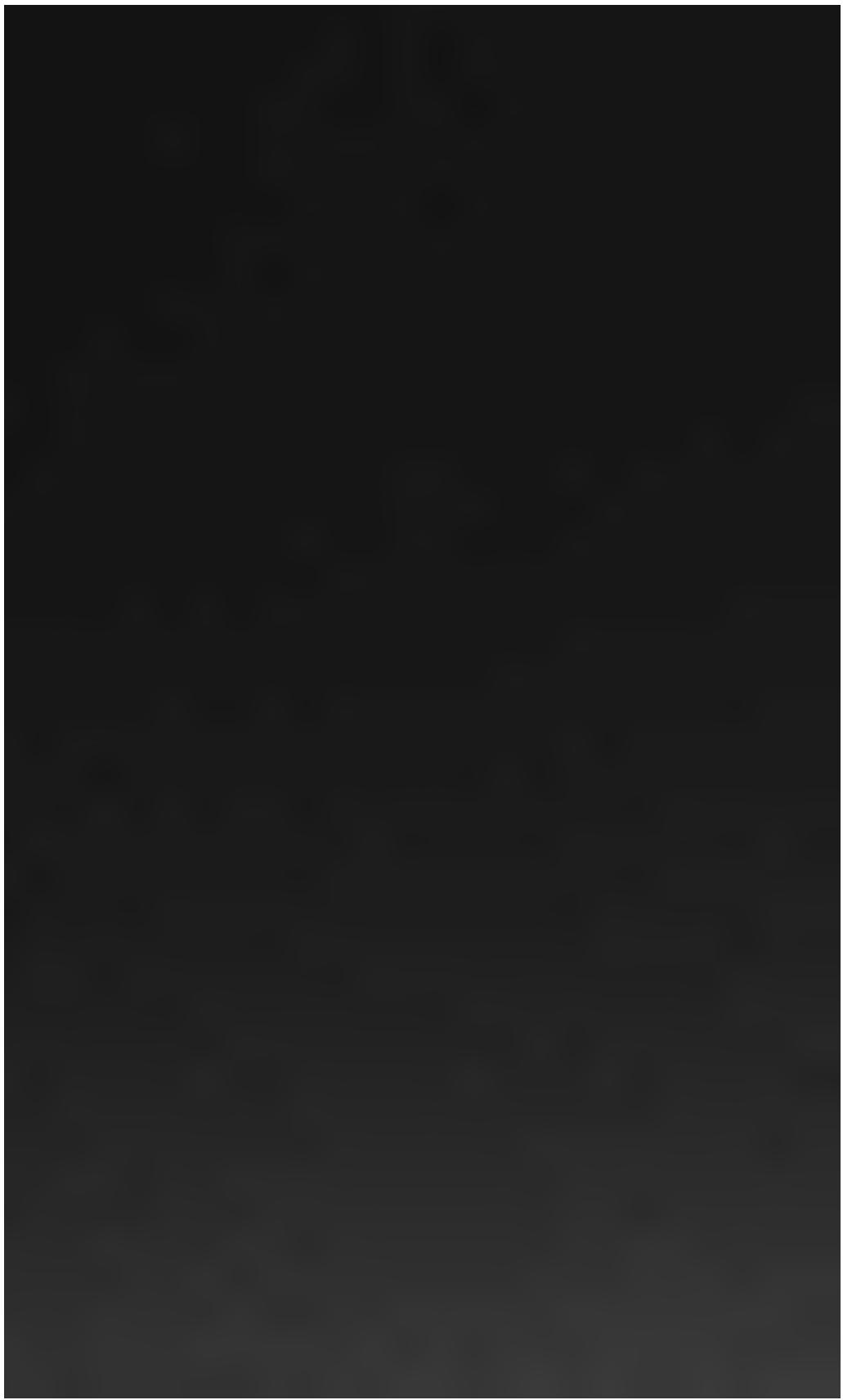








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